Vol. II
11th April, 1955 (Monday)

LOK SABHA DEBATES

(Part I—Questions and Answers)

(Vol. II contains Nos. 21—40)

LOK SABHA SECRETARIAT
NEW DELHI

FOUR ANNAS (INLAND)

ONE SHILLING (FOREIGN)

LOK SABHA

Monday, 11th April, 1955

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

ORAL ANSWERS TO QUESTIONS

TREATY WITH IRAN

*2111. **Shri S. N. Das:** Will the Minister of **Commerce and Industry** be pleased to state the extent to which trade and commercial intercourse between India and Iran have been helped and promoted by the Indo-Iranian Commerce and Navigation Treaty signed in December, 1954?

The Deputy Minister of Commerce and Industry (Shri Kanungo): The Indo-Iranian Treaty has not so far been ratified. The question as to what extent trade and commercial intercourse between India and Iran has been helped by the Treaty does not, therefore, arise at present.

Shri S. N. Das: May I know the reason why so much time is taken in the ratification of this treaty?

Shri Kanungo: Because the Iranian Government have not been able to agree to one of the proposals regarding remittance from Iran to India.

Shri S. N. Das: Pending the ratification of this treaty, may I know whether it is proposed to send any trade mission from this country to Iran or *vice versa*?

Shri Kanungo: No, Sir.

COCOONS AND RAW SILK

*2112. **Shri Keshavaiengar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that Government propose to bring in a measure for controlling the price of cocoons and raw silk in the country;

(b) if so, when; and

(c) what are the details thereof?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) No, Sir.

(b) and (c). Do not arise.

Shri Keshavaiengar: May I know if the Government has or has not received a requisition for a measure of this kind from the Central Silk Board and if so what action do they propose to take?

Shri Kanungo: The Silk Board is considering it in its two committees. Government have not received any requisition to that effect, but one of the ways of stabilising prices of indigenous silk would be by having regulated markets and to that extent the State Governments have been addressed and the Mysore Government has agreed to establish a regulated market.

Shri Basappa: May I know whether it is a fact that there are serious fluctuations in the price of raw silk which has resulted in a lot of hindrance to the silk industry in Mysore?

Shri Kanungo: There is fluctuation in the price of raw silk, but the greatest difficulty of raw silk market is the consumer preference for cheap artificial fabrics.

Shri Basappa: May we know whether the Mysore Government have

submitted any proposal for stabilisation of prices?

Shri Kanungo: I have answered that the Mysore Government have agreed to set up a regulated market.

INDIANS IN MALAYA

*2113. **Shri Krishnacharya Joshi:** Will the **Prime Minister** be pleased to state:

(a) whether the Government of India have finalised two Pilot Schemes to settle Indian labourers in Malaya; and

(b) if so, how many Indians have so far migrated to Malaya under these schemes?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) The Government of India have no scheme for settling Indian labourers in Malaya. On the contrary the emigration of Indian labour from India to Malaya is prohibited. The Federal Government of Malaya have however, certain schemes for making land available to Indian labourers and others already resident in Malaya.

(b) Does not arise.

Shri Krishnacharya Joshi: May I know, Sir, whether the Government of Malaya have prepared any scheme to settle Indians?

Shri Sadath Ali Khan: They have taken up schemes to increase the areas under paddy cultivation as part of their Grow More Food campaign and land is being offered to Indians who are resident in Malaya.

Shri Krishnacharya Joshi: May I know whether any funds have been set aside for that purpose?

Shri Sadath Ali Khan: As far as we know, Government have not set aside any specific amount of money, but the Drainage and Irrigation Department in Malaya has set up funds for opening up land generally for paddy and other cultivation and Indian labourers have equal rights as other persons living there.

ESTIMATES COMMITTEE REPORT

*2114. **Shri Jhulan Sinha:** Will the Minister of **Information and Broadcasting** be pleased to state the action taken for effecting economy on the lines suggested by the Estimates Committee in their Eleventh Report?

The Minister of Information and Broadcasting (Dr. Keskar): A detailed statement of the action taken on the relevant recommendations of the Eleventh Report, which is under preparation for being forwarded to the Estimates Committee, will also be laid on the Table of the Lok Sabha during this Session.

PRINTING PRESSES (REORGANISATION)

*2118. **Th. Lakshman Singh Charak:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether Mr. J. W. H. Elvin has submitted any report to Government on the reorganisation of the Government of India Presses so as to improve their efficiency, production, etc.;

(b) if so, the action taken by Government thereon; and

(c) whether any new printing presses have been established under his Scheme?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) No, Sir.

(b) and (c). Do not arise.

Shri Dabhi: May I know whether there is any chance of the indices to the debates of this House being completed and published in the life-time of this Parliament?

Sardar Swaran Singh: I am very sorry if the hon. Member has become so pessimistic. I have every hope to bring down the arrears as soon as possible.

Th. Lakshman Singh Charak: May I know if Government contemplate calling in some other expert, if this expert was not found satisfactory?

Sardar Swaran Singh: This expert was made available to the Govern-

ment of India under the Colombo Plan. He looked into the day to day problems of various presses and his advice was examined by the Controller of Printing and Stationery and some action was taken. It is not necessary that there should be any overall technical examination of the various problems which confront the Controller of Printing and Stationery.

Shrimati Renu Chakravartty: It is a fact that the large volume of work in arrears is due to the presses not having the capacity to meet the volume of work; if so, do Government have any proposal under consideration to extend the press?

Sardar Swaran Singh: The accumulation of arrears is to a certain extent due to the increase in the volume of work and it is for that reason that the existing capacity of some of the presses is being increased and as I stated on an earlier occasion another new press at Faridabad is in the process of being constructed, yet another press at Nasik is nearing completion and the proposal is to have a third press in the South in the next Five Year Plan.

Shri A. M. Thomas: Is it a fact that this expert only enquired into the technical aspect and no enquiry at all has been conducted into the administrative aspect? If so, do Government contemplate to institute an enquiry into the administrative reorganisation?

Sardar Swaran Singh: Sir, we do not depend upon outside technical experts for a probe into the administrative set up. I feel that we have got enough know-how with us to enable us to probe into the administrative side. It is not considered necessary to have any enquiry on that score at the moment.

Shri Altekar: May I know what steps are being taken to improve the efficiency and production of the press?

Sardar Swaran Singh: I cannot give any summary reply to that except to say that the latest methods of production, good material and good organisation—which are normal things—are adopted to improve the work.

गायों की आंतें (निर्यात)

*२१२०. **सेठ गोविन्द दास :** क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या यह सच है कि भारत सरकार ने अक्तूबर और नवम्बर, १९५४ में गायों की आंतों के निर्यात पर जो प्रतिबन्ध लगाया था, वह हटा दिया गया है, और

(ख) यदि हां, तो उसके क्या कारण हैं ?

वाणिज्य तथा उद्योग उपमंत्री (श्री कानूनगो): (क) तथा (ख). जी हां, यह प्रतिबन्ध इसलिए हटा दिया गया कि उससे कोई कारगर उद्देश्य पूरा नहीं हो रहा था ।

सेठ गोविन्द दास : इस प्रतिबन्ध के हटने के बाद गायों की आंतों का कितना निर्यात हुआ है ?

श्री कानूनगो : इसके अलग आंकड़े नहीं रखे जाते हैं, इसलिए इसका जवाब नहीं दिया जा सकता है।

सेठ गोविन्द दास : क्या माननीय मंत्री को यह बात मालूम है कि बम्बई और कलकत्ता के कसाईखानों में इन आंतों के निर्यात के कारण अच्छी से अच्छी गाएं मारी जा रही हैं ?

श्री कानूनगो : जी नहीं, यह ठीक नहीं है क्योंकि इन आंतों की कीमत केवल ८ आने से लगा कर डेढ़ रुपए तक होती है और इतनी कम कीमत के होने के कारण गायों को हलाल करने के वास्ते कोई उत्साह नहीं रहता है।

सेठ गोविन्द दास : इस सम्बन्ध में क्या सरकार के पास इस तरह की कोई दरख्वास्तें आई थीं कि इनके निर्यात पर जो रोक लगाई है उसको मंसूख कर दिया जाए?

श्री कानूनगो : जी हां, आल इंडिया गट्स एक्सपोर्टर्स एंड मैनुफैक्चरर्स असोसियेशन ने इस बारे में दरख्वास्त पेश की थी और उस पर विचार किया गया था।

श्री झुनझुनवाला: मंत्री महोदय ने कहा कि यह प्रतिबन्ध हटा दिया गया है क्योंकि उससे कोई कारगर उद्देश्य सिद्ध नहीं हुआ, मैं जानना चाहता हूं कि उससे क्या मतलब सोचा गया था जो सिद्ध नहीं हुआ?

श्री कानूनगो: प्रतिबन्ध इस आशा को ले कर लगाया गया था कि उससे गायों का वध होना कम हो जाएगा लेकिन जैसे मैंने पहले बतलाया आंतों की कीमत इतनी कम है कि लोग गायों को आंतों के वास्ते हलाल नहीं करते हैं।

श्री एन० एल० जोशी: क्या मैं जान सकता हूं कि सन् १९५४-५५ में कितनी कीमत की गायों की आंतों का बाहर निर्यात हुआ?

श्री कानूनगो: सन् १९५४-५५ के आंकड़े मेरे पास नहीं हैं लेकिन असोसियेशन वालों का अन्दाज है कि कोई करीब ६० लाख रुपए की आंतें एक्सपोर्ट हुई हैं। इस चीज की कोई विशेष कीमत हमारे मुल्क में नहीं है और जिस वक्त इसके निर्यात पर हमने प्रतिबन्ध लगा दिया था तब वह फेंक दी जाती थीं।

सेठ गोविन्द दास: अध्यक्ष महोदय, अभी माननीय मंत्री ने कहा....

ECONOMIES IN BUILDING METHODS

*2123. **Shri Gidwani**: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) whether it is a fact that the Committee of Experts for Building Works have recommended certain economies in traditional building methods;

(b) if so, whether these recommendations have been implemented; and

(c) the approximate amount of savings effected during the year 1954-55 by adopting the recommended changes in the construction of Government buildings in Delhi?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) The Committee are of the opinion that the traditional building methods are generally the most economical in India. They have, however, recommended that suitable modification of traditional specifications would lead to economy.

(b) The recommendations are being followed generally by the Central Public Works Department.

(c) 10 to 12 per cent. savings would have been effected.

HEALTH PROGRAMME IN COMMUNITY PROJECT AREAS

*2125. **Shri Wodeyar**: Will the Minister of **Planning** be pleased to state:

(a) whether it is a fact that the progress of the health programme in the Community Development Programmes has been extremely slow; and

(b) if so, the reasons therefor?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) No.

(b) Does not arise.

Shri Wodeyar: May I know whether any Committee has been constituted to enquire into the situation and if so, has it submitted any report? Has Government taken any action on this report?

Shri S. N. Mishra: I am not aware of any such Committee having been constituted because the progress is not considered to be unsatisfactory.

Shri Wodeyar: May I know what programmes are being taken up by the Planning Commission to improve the health situation of the people in the community projects in Malnad area?

Shri S. N. Mishra: The programmes of the community project areas and the National Extension Service are well known and I do not think I should repeat them.

Shri Basappa: May I know whether any reliable health statistics had been collected in the project areas of Mysore and if so what are the important diseases prevailing in that area and what steps are taken to eradicate them?

Shri S. N. Mishra: I can give the physical achievements in regard to the health programme in Mysore State but they would run over so many items.

Dr. Rama Rao: May I know if funds allotted for health development in these areas are lapsing; if so how much had lapsed in 1954-55?

Shri S. N. Mishra: There is no question of any amount lapsing because the determination to complete the programme is there and we are going ahead as the tempo gathers

भाखड़ा नंगल परियोजना

*२१२६. **डा० सत्यवादी:** क्या सिंचाई और विद्युत मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या तीनों भाग लेने वाले राज्यों में भाखड़ा नंगल परियोजना से तैयार होने वाली बिजली के बटवारे के सम्बन्ध में कोई समझौता हुआ है; और

(ख) यदि हां, तो उसमें प्रत्येक राज्य का कितना कितना हिस्सा है?

सिंचाई और विद्युत उपमंत्री (श्री हाथी): (क) जी, हां।

(ख) दिल्ली और अन्य किसी राज्य की मांगों को पूरा करने के पश्चात, पंजाब, पेप्सू और राजस्थान तीनों हिस्सेदार राज्यों को, प्रायः अपने भागों में प्रयोग करने के लिए संचित जल के बटवारे के अपने हिस्सों के अनुरूप क्रमशः ६२.२६, २२.४२ और १५.२२ प्रति शत प्राप्य बिजली का अधिक से अधिक मात्रा में ग्रहण करने का अधिकार होगा।

डा० सत्यवादी: क्या मैं जान सकता हूं कि इस वक्त नंगल प्रोजेक्ट से जो बिजली दी जा रही है वह किस रेट पर दी जा रही है और दूसरे लोकल जरियों से जो बिजली मिलती है उसके मुकाबले में यह कीमत कितनी कम या ज्यादा है?

श्री हाथी: अभी जो बिजली उत्पन्न होती है वह पेप्सू, पंजाब और भाखड़ा के लिए ही है।

डा० सत्यवादी: मैं रेट मालूम करना चाहता था कि किस रेट पर यह बिजली दी जाती है।

श्री हाथी: रेट्स तो अलग अलग हैं। इंडस्ट्रीज के लिए अलग रेट्स हैं, खेती के लिए अलग हैं और डोमेस्टिक यूस के लिए अलग रेट्स हैं।

Mr. Speaker: He wants to know the rates; are they generally higher or lower than the other rates?

Shri Hathi: The rate is nearly four annas or five annas per unit.

डा० सत्यवादी: क्या मैं जान सकता हूं कि नंगल से जो बिजली दी जा रही है क्या उसके बारे में कोई शिकायत मिली है कि यह बिजली ठीक काम नहीं कर रही है और कई बार बन्द हो जाती है?

श्री हाथी: ऐसी कोई शिकायत नहीं मिली।

Orphangunge Market

*2130. **Shri S. C. Samanta:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) since when the Orphangunge Market at Calcutta is being managed by Government;

(b) the average annual maintenance expenditure thereon; and

(c) whether any such market elsewhere in the country is also being managed by Government?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) The market is being managed by the Government of India directly since 1942.

(b) The average annual expenditure on the management of the market including the maintenance of the building has been of the order of Rs. 80,000/-.

(c) No Sir. Not to my knowledge.

Shri S. C. Samanta: May I know how this market came under the control of the Ministry since 1942?

Sardar Swaran Singh: There is a long history behind this. This was started some time in the last eighties. This was originally the property of the Bengal Military Orphans Society which was founded for the maintenance of the children of the military officers of the Bengal, especially those who died in indigent circumstances. The funds of this Society were administered by the Government of India and when it was dissolved in 1871 the property came into the hands of the Government of India and was entrusted to the Collector of 24 Parganas for management. And then it passed through various vicissitudes and ultimately in 1942 the Government of India had to assume direct control with regard to its management and superintendence.

Shri S. C. Samanta: May I know whether the cattle market of the Orphangunge is going to be abolished?

Sardar Swaran Singh: That is a part of this Estate, known as the Orphangunge market which at the moment is being utilised as cattle market. There was a proposal to stop it and Government of India had indicated their intention to that effect but later on the Bengal Government and the Calcutta Improvement Trust said that they may be given some time to make alternative arrangements before finally closing that market.

Dr. Rama Rao: The hon. Minister said that the expenditure is Rs. 80,000 Am I to understand that this is over and above the income from the market?

Sardar Swaran Singh: I will give an illustrative figure. In one of the years, for instance, during the year 1953-54. the income was Rs. 2,44,481, whereas expenditure was Rs. 81,701.

TRAINING OF OPERATORS AND MECHANICS

***2132. Shri K. C. Sodhia:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether the two centres for the training of operators and mechanics have since been opened;

(b) if so, the estimated annual expenditure of the centres and the number of trainees each can have;

(c) the total number of persons to be trained; and

(d) whether all the trainees are departmental employees?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) Not yet, Sir.

(b) The estimated annual expenditure on both the centres will be Rs. 8 lakhs and 40 trainees will be admitted to each centre to start with.

(c) 400 persons will be trained in these centres in a period of 5 years, depending upon the requirements of the river valley projects under execution and proposed to be taken up later.

(d) Preference will be given to persons employed on the river valley projects. Candidates from open market will also be admitted, if sufficient departmental candidates are not forthcoming.

Shri K. C. Sodhia: When are these training centres likely to be started?

Shri Hathi: This year—by July or so.

Shri K. C. Sodhia: May I know whether the persons who are going to be admitted to these have got no grounding in their work at all?

Shri Hathi: Those persons who have got some grounding and who have learnt something of mechanical engineering or who have had some diploma courses will be taken up for this training.

HANDLOOM CLOTH

***2133. Dr. Rama Rao:** Will the Minister of **Works, Housing and Supply** be pleased to refer to the reply given to starred question No. 1015 on the 16th March, 1955 and state:

(a) the main varieties and extent of cloth required for Government purposes that cannot be met by Khadi;

(b) the extent to which such demands of Government are met by handloom (mill-yarn) cloth; and

(c) whether Government have consulted the Handloom Board about the possibility of securing more handloom cloth to meet more of Government's requirements?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) and (b). A statement is laid on the Table of the Lok Sabha. [*See* Appendix X, annexure No. 12.]

(c) Yes, Sir. The Handloom Board are consulted periodically.

Dr. Rama Rao: The statement shows that pagree cloth to the extent of 17 lakh yards cannot be supplied by handloom. Am I to understand that all the beautiful turbans which are usually of handloom cloth are not suitable for the Government?

Sardar Swaran Singh: I cannot give any categorical reply to it. It depends upon the various qualities and the requirements. In all cases beautiful things are not always the requirements of the Government; sometimes we require utility articles.

Dr. Rama Rao: May I know if the Government had received any representation from the co-operative societies in places like Madras and Andhra to say that, given samples and order they are prepared to manufacture several varieties of handloom cloth suitable even for the military excluding certain special varieties?

Sardar Swaran Singh: I do not know which particular representation is in the mind of the Hon. Member. But, it is a fact that from time to time co-operative societies of handloom weavers and handloom weavers individually or through their associations have been representing that they can manufacture articles according to the specifications. It is also the intention of the Government that the capacity should be tapped and they should be encouraged to weave cloth according to the requirements of the Government.

Dr. Rama Rao: Have Government given any sample order for a few articles?

Sardar Swaran Singh: I am afraid this is too general a question. If any particular item could be specified, then I would be able to give a reply.

LOW-INCOME GROUP HOUSING SCHEME

*2134. **Shri Siddananjappa:** Will the Minister of **Works, Housing and Supply** be pleased to lay a statement on the Table of the House showing:

(a) whether any loans for acquisition and development of land to be sold to intending builders under the Low-Income Group Housing Scheme have been granted to any of the State Governments so far; and

(b) if so, the amount of loans given year-wise and state-wise?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) and (b). A statement showing the required information is placed on the Table of the House. [*See* Appendix X, annexure No. 13.]

Shri Siddananjappa: May I know when and on what basis the loan allocation mentioned in column 2 was made?

Sardar Swaran Singh: Based on an assessment of the requirements of each State.

Shri Siddananjappa: May I know the time at which the allocation was made?

Sardar Swaran Singh: This was made some time towards the end of February last.

Shri Siddananjappa: May I know who has fixed the targets mentioned in column 3 and for what period they are meant?

Sardar Swaran Singh: I have actually indicated the period for which this allocation has been made, in the statement itself. And the target was decided, as I have already said, by assessing the requirements of each State.

Shri Thimmaiah: May I know whether the price of the lands sold to the builders will be higher than the

price given for acquisition, or will it be lower than the price given for acquisition?

Sardar Swaran Singh: I am afraid that question has got nothing to do with this. The intention is that when the Central Government advances loans to the State Governments for the purpose of developing land, then the loan is advanced at a somewhat concessional rate of interest, and the intention is that the State Governments or the statutory authority undertaking the development should be able to sell those plots to the prospective builders at a no-loss no-profit basis.

HIRAKUD AND DAMODAR VALLEY PROJECTS

*2135. **Shri C. R. Narasimhan:** Will the Minister of **Irrigation and Power** be pleased to state what arrangements are being contemplated to utilize intact the services of the engineers and other staff who will be released from Hirakud and Damodar Valley Projects on their completion?

The Deputy Minister of Irrigation and Power (Shri Hathi): The matter is receiving the earnest attention of Government. This is one of the terms of reference to the Technical Personnel Committee appointed by Government. The Committee's report is awaited.

Shri C. R. Narasimhan: May I know whether this includes engineers and technicians with special experience in mechanised concreting operations?

Shri Hathi: There might be some persons also experienced in concreting.

Shri S. V. Ramaswamy: What will be the number of engineers, civil, mechanical and electrical, who will be surplus in these two projects on their completion?

Shri Hathi: In fact this is one of the terms of reference to the Committee. They are collecting data and the report is awaited shortly.

Shri Ramachandra Reddi: May I know whether these officers have been confirmed after probation?

Shri Hathi: As the House knows, the officers of the D.V.C. are officers of the Corporation. In the Hirakud Project some are permanent, some are temporary.

Shri Meghnad Saha: May I know whether any planning has been started for the second phase of development of the Damodar Valley Corporation and, if so, if these officers who are going to be discharged will find a place there?

Shri Hathi: The whole question of how to absorb, the trained and experienced personnel is receiving the attention of the Government and for that purpose this Committee has been appointed. It will take into consideration the projects that are likely to be taken up for the coming fifteen years and will make recommendations.

RADIO ACTIVITY

*2138. **Dr. Ram Subhag Singh:** Will the **Prime Minister** be pleased to state :

(a) whether it is a fact that cloud-borne radio activity caused by the blast of a nuclear weapon in Nevada (U.S.A.) recently has reached certain parts of India;

(b) if so, in which parts of India the effect of such radio activity has been felt; and

(c) whether the effect of this radio activity has, in any way, affected the living beings in this country?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Government have no information.

(b) and (c). Do not arise.

Dr. Ram Subhag Singh: May I know whether the Government of India is aware of the report that came out in several papers that the radio activity appeared to have increased over the Allahabad area?

Shri Jawaharlal Nehru: Yes, we saw the report. And we consulted our advisers on this subject, and the answer given is in accordance with the advice of our advisers.

Shri Meghnad Saha: May I know if the Government has any arrangement for measuring the radio activity of the upper air after explosion and throughout the year, as is being done in Japan and other countries?

Shri Jawaharlal Nehru: I am not in a position to answer that without enquiring.

Shri Joachim Alva: In view of the extensive expenditure undertaken by the U.K. Government in their observatories and meteorological stations, equipping them for detecting radio activity, do Government propose sending our young men to U. K. to be trained in detecting radio activity?

Shri Jawaharlal Nehru: We are having our people trained in various ways; certainly, in that too. I do not know what it has got to do with what the U.K. Government is doing.

Shri N. B. Chowdhury: Has the attention of Government been drawn to today's press report that in Calcutta the radio active dust has been observed?

Shri Jawaharlal Nehru: No, Sir, I have not seen today's news item.

भारी विद्युत यंत्र जांच समिति

*२१३६. **श्री भागवत झा आजाद:** क्या उत्पादन मंत्री २६ मार्च, १९५५ को दिए गए तारांकित प्रश्न संख्या १६३२ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि:

(क) क्या सरकार ने भारी विद्युत-यंत्र जांच समिति की सभी सिफारिशें स्वीकार कर ली हैं; और

(ख) यदि हां, तो उस पर क्या कार्यवाही की जा रही है?

उत्पादन मंत्री के सभासचिव (श्री आर० जी० दुबे): (क) जी हां।

(ख) अन्तर्राष्ट्रीय ख्याति की कुछ बिजली की कम्पनियों से कुछ शीर्षकों के अन्तर्गत सूचना मंगवाई गई हैं जिसके आने पर उनमें से किसी एक को टैक्निकल सलाहकार चुन लिया जाएगा।

श्री भागवत झा आजाद: कमेटी की जिन सिफारिशों को सरकार ने मान लिया है क्या उनको कार्यान्वित करने के लिए जो बाहर से फर्में बुलाई जा रही हैं उनमें से कुछ को सरकार ने कनसल्ट कर लिया है?

श्री आर० जी० दुबे: करीब करीब दस नाम यहां मौजूद हैं, जो कि वेस्टिंग हाउस, यू० एस० ए०, मेसर्स एसोसियेटेड इलेक्ट्रिकल इंडस्ट्रीज, यू० के०, मेसर्स इंगलिश इलेक्ट्रिक कम्पनी० यू० के०, सीमेन्स, जर्मनी, वगैरह वगैरह हैं।

श्री भागवत झा आजाद: क्या आप यह बतला सकते हैं कि देश की आवश्यकता का कौन सा प्रतिशत हमारे देश में तैयार हो रहा है?

श्री आर० जी० दुबे: जिस पावर की हाइड्रोलिक टरबाइन्स और स्टीम टरबाइन्स हम चाहते हैं उनमें से किसी आइटम का लोकल कम्पनीज में मैन्युफेक्चर नहीं होता।

श्री भागवत झा आजाद: क्या हम जान सकते हैं कि इन सिफारिशों को कार्यान्वित करने में अनुमानत: कितना व्यय होगा?

श्री आर० जी० दुबे: सन् १९४८ में इसके बारे में कुछ रफ् एस्टीमेट किए गए थे जो कि २२ करोड़ के लगभग थे। अब उसके बारे में कोई नया एस्टीमेट नहीं हुआ है।

श्रीमती तारकेश्वरी सिन्हा: हमारे यहां जो स्टील के तीन कारखाने खोले जा रहे हैं क्या इसके साथ साथ सरकार कोई ऐसी बृहत् योजना बना रही है कि उन कारखानों से जो स्टील का उत्पादन हो उसको इन सब इंडस्ट्रीज में लगाया जा सके?

श्री आर० जी० दुबे: जहां तक हेवी इलेक्ट्रिक पावर का सवाल है किसी बृहत् योजना पर इस हद तक विचार नहीं हुआ है, लेकिन दूसरी पंचवर्षीय योजना में इन चीजों पर विचार होगा।

उत्तुंग गवेषणा केन्द्र

*२१२६-क. **श्री भक्त दर्शन:** क्या प्रधान मंत्री २४ दिसम्बर, १९५४ को दिए गए तारांकित प्रश्न संख्या १६६६ के उत्तर के सम्बन्ध में यह बताने की कृपा करेंगे कि:

(क) क्या उत्तुंग गवेषणा केन्द्र की स्थापना के बारे में डाक्टर के० आर० रामनाथन ने जो प्रतिवेदन प्रस्तुत किया था, उस पर कोई अन्तिम निर्णय किया गया है; और

(ख) क्या उस प्रतिवेदन की एक प्रति पटल पर रखी जाएगी?

प्रधान मंत्री तथा वैदेशिक कार्य मंत्री (श्री जवाहरलाल नेहरू): (क) तथा (ख). कोई आखिरी फैसला नहीं हुआ। इसके बारे में अभी पूछ ताछ हो रही है। डा० एच० जे० भाभा, डा० के० आर० रामनाथन, डा० ए० बी० साहियार और डा० साराभाई की रिपोर्ट की एक प्रति सभा पटल पर रखी जाती है। [**पुस्तकालय में रखी गई। वेखिए संख्या एस. ११५/५५**].

श्री भक्त दर्शन: इस विवरण से यह स्पष्ट है कि उस कमेटी ने यह सिफारिश की है कि यह रिसर्च स्टेशन काश्मीर में गुलमर्ग के पास खिलनमर्ग में खोला जाए। मेरे इस प्रश्न का उत्तर देते हुए आज से एक वर्ष पहले श्री मालवीय ने फरमाया था कि इस तरह के दो रिसर्च स्टेशन होंगे, एक केवल काश्मिक रेंज के लिए होगा और दूसरा और कामों के लिए. मैं जानना चाहता हूं कि अभी केवल एक तरह का रिसर्च स्टेशन कायम किया जाएगा या अभी भी यह विचार किया जा रहा है कि दूसरी तरह का स्टेशन भी स्थापित किया जाए?

श्री जवाहरलाल नेहरू: इस बारे में तो शायद एक दो नहीं बल्कि कई एक स्टेशन होंगे आखिर में, लेकिन यह रिपोर्ट एक खास स्टेशन के बारे में थी।

श्री भक्त दर्शन: इस विवरण से यह स्पष्ट है....

U. N. Resolution

*2140. **Shri S. N. Das:** Will the **Prime Minister** be pleased to state why India abstained when the vote on the resolution, sponsored jointly by the U.S.A., Cuba and the Philippines inviting U.N. Members to transmit to the International Law Commission their views on navigation on the high seas, was taken in the U.N. Special Political Committee during its last session?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): The subject to which the Hon'ble Member refers related to the complaint of the Soviet Union regarding the violation of the freedom of navigation in the area of the China Seas. It was thus not a general question connected with the navigation on the High Seas. The Indian Representative abstained on the Resolution which in its context was admittedly one of a controversial nature.

Shri S. N. Das: May I know what was the import of the Resolution?

Shri Sadath Ali Khan: There were two resolutions, one by Syria and the other by the United States, Cuba and Philippines. I wonder to which one the Hon. Member is referring.

Shri S. N. Das: The joint one by the United States, Cuba, etc.

Shri Sadath Ali Khan: Do you want me to read the resolution? I can briefly state what is contained in it. The resolution submitted by Cuba, Philippines and the U.S.A. requested the International Law Commission to complete its final report concerning the regime of high seas, the regime of the territorial waters and related problems, in time for the General Assembly to consider these matters at its 11th regular session. Further, they proposed to transmit to the International Law Commission the records and documents including the draft resolution of Syria contained in the document (number is given) of the meetings of the *ad hoc*

Political Committee at which this item had been considered and invite the Governments of Member States to transmit in the International Law Commission their views concerning the principle of freedom of navigation on the high seas.

Shri S. N. Das: Since the resolution was accepted, what is the reaction of the Government of India? May I know whether the Government of India will act according to it?

Shri Sadath Ali Khan: The Government of India will act according to its well established policy explained in the statement of our representative at the U.N.

TALKS IN HINDI

*2141. **Shri Krishnacharya Joshi:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether a National Programme of talks in Hindi has been chalked out; and

(b) if so, when it will be started?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Yes, Sir.

(b) About September, 1955.

Shri Krishnacharya Joshi: May I know whether such programmes will be chalked out in the regional languages?

Dr. Keskar: The programme contemplated is an all-India programme. It is doubtful whether programmes in regional languages can, except in exceptional circumstances; be made all-India.

Shri Bhagwat Jha Azad: May I know whether a list has already been drawn up of the talkers or whether it will depend on the nature of the talks to be given or the members of the old list will be invited to speak who are very often repeated on the All India Radio?

Dr. Keskar: It can be both.

PLANNING BY STATES

*2143. **Sardar Hukam Singh:** Will the Minister of **Planning** be pleased to state whether the Planning Commission have asked the States to plan on the basis of their own needs and resources without taking into account the Central assistance they may receive?

The Deputy Minister of Planning (Shri S. N. Mishra): No, Sir.

Sardar Hukam Singh: Has it been decided that in the Second Five Year Plan greater stress will be laid on the physical resources rather than on financial resources?

Shri S. N. Mishra: Although this question is far removed from the present one, I may say in reply that we would try to marry both. The stress is going to be on the real resources.

Shrimati Tarkeshwari Sinha: May I know whether before finalising the Second Five Year Plan, the Government will appoint another Finance Commission to go into the question of sharing of finances between the Centre and the States after the report of the States re-organisation Commission is received?

Shri S. N. Mishra: Although this question can more properly be addressed to the Finance Ministry, I think some such thing as the appointment of a Finance Commission is under contemplation.

LOW INCOME GROUP HOUSING SCHEME

*2144. **Th. Lakshman Singh Charak:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the number of applications received so far from Central Government employees under the Low-Income Group Housing Scheme;

(b) whether Government have set up a separate Department or Unit in the Ministry to deal with such applications; and

(c) whether Government will entertain applications and sanction loan to all, irrespective of whether the land has been purchased or not at the time of taking the loan?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) and (c). The details in regard to terms of assistance and form of application, mortgage deeds etc. for Cent-

ral Government servants under the Low-Income Group Housing Scheme are under consideration. Meanwhile, enquiries (including some requests for loans) have been received from about 500 Central Government servants.

(b) No separate Department or Unit has been set up, so far, to deal with applications from Central Government Servants.

Thakur Lakshman Singh Charak: May I know, normally, how long an application will be under consideration in the Ministry?

Sardar Swaran Singh: It is only less than two months ago that the scheme was announced and enquiries were invited. The intention is to sanction them quickly.

EMPORIUM AT GENEVA

*2145. **Shri Ram Shankar Lal:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether there is any proposal to open a permanent Emporium at Geneva;

(b) if so, the purpose of the Emporium; and

(c) the amount sanctioned therefor?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) and (b). No, Sir; but the Government of India are strengthening their show room and converting it into a trade centre for more effective trade publicity.

(c) The amount sanctioned so far is Rs. 4,78,238.

Dr. Rama Rao: What are the articles which will be exhibited in this emporium? Is handloom cloth one of them?

Shri Kanungo: It is not an emporium. It is a trade centre. All goods which have a prospect of having a market in that country and near about countries will be exhibited.

TEXTILE EXPORTS TO IRAQ

*2146. **Shri Wodeyar:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that India has good prospects of augmenting her textile exports to Iraq;

(b) if so, the action that the Textile Export Promotion Council propose to take in the matter; and

(c) the main complaint about Indian cloth in Iraq and how far the complaint has been met?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) It is difficult to give a categorical answer. All that I can say at this stage is that there are prospects.

(b) and (c). The matter is engaging the attention of both the Government of India as well as the Export Promotion Council. In order to obviate complaints about quality of Indian cloth and deliveries not being made according to schedule, the Expert Promotion Council has introduced a scheme of quantity control on voluntary basis. The question of exporting cloth under the Standard Contract Form is also under consideration.

Shri Wodeyar: May I know whether it is a fact that the Indian Ambassador in Iraq reported to the Government of India to step up the export of Indian cloth to Iraq and whether the Government followed a go-slow policy?

Shri Kanungo: It is not correct.

Shri Wodeyar: May I know if the Government of India have appointed an officer on special duty to look after a good market for Indian cloth in the Middle East?

Shri Kanungo: It is done by the Export Promotion Council.

Shrimati Renu Chakravartty: May I know which country has the largest amount of trade with the Middle East countries in regard to cloth and whether the prices at which they make cloth available to the Middle East Countries compare favourably with our rates?

Shri Kanungo: As far as textiles are concerned, the largest chunk is sent to the Middle East countries by Japan and the U.K. In some cases our prices compare favourably and in some other cases, they do not.

PERIODICALS

*2147. **Shri S. C. Samanta:** Will the Minister of **Information and Broadcasting** be pleased to lay a statement on the Table of the House showing:

(a) which of the popular pamphlets, books and journals published in 1954 have been highly appreciated outside India;

(b) whether there is any arrangement in our Embassies abroad for the exhibition and sale of such things;

(c) which of the pamphlets were meant for free distribution; and

(d) how many of such free pamphlets were sent to our Embassies in 1954?

The Minister of Information and Broadcasting (Dr. Keskar): (a) to (d). A statement giving the information is laid on the Table of the Lok Sabha. [*See* Appendix X, annexure No. 14]

Shri S. C. Samanta: May I know whether the Government have a permanent agency over and above our missions abroad for the sale of the publications of this Ministry?

Dr. Keskar: We have not got any permanent arrangement.

Shri S. C. Samanta: May I know how many copies of Mahatma Gandhiji's album have been sold outside India?

Dr. Keskar: Quite a number. I would require notice to give the exact number.

INDUSTRIAL HOUSING SCHEME

*2148. **Shri K. C. Sodhia:** Will the Minister of **Works, Housing and Supply** be pleased to lay a statement on the Table of the House showing:

(a) the total number of schemes undertaken by the State Governments under the subsidised Housing Scheme for Industrial Workers during 1954-55;

(b) the number of families of workers which will be provided accommodation under these Schemes; and

(c) the total cost involved and the amount to be given by the Central Government by way of loans and subsidies?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) to (c). A statement giving the requisite information is placed on the Table of the Lok Sabha [*See* Appendix X, annexure No. 15]

Shri K. C. Sodhia: I want to know whether any stipulation regarding time-limit has been imposed in this connection by the Central Government?

Sardar Swaran Singh: Yes, Sir. Normally, the allocations that are made during any Budget year are intended to be spent during that year.

Shri K. C. Sodhia: How many of them have been constructed now?

Sardar Swaran Singh: I am afraid I have not got that information at the moment.

Shri K. C. Sodhia: If the work has not been completely finished, how are they going to hold over the subsidy or loans in respect of buildings which have not been constructed?

Sardar Swaran Singh: Actually, the payment of loans and subsidies is phased according to the progress of construction, and the money is not actually passed on to the State Governments unless they show a certain phased progress with regard to construction. Therefore, it is not a case of money remaining unspent in the hands of the States.

Shri K. C. Sodhia: What is the rate of interest paid on these loans?

Sardar Swaran Singh: I have already supplied that information. I am afraid I do not readily recollect it. It is roughly 4 per cent.

Shri Heda: With regard to industrial housing, in the beginning, there was an idea to give loan to the private limited companies; and later on, the impression was created that the idea has been shelved. At what stage is that idea now?

Sardar Swaran Singh: I do not know wherefrom the hon. Member takes this information. The assistance under the industrial housing scheme has been given to private limited companies when they happen to be

industrial concerns. For the construction of quarters of the employees of any industrial concern, assistance in the form of loan and subsidy has been given to private limited companies.

PAINTS AND VARNISHES

*2149. **Dr. Rama Rao:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the average annual requirements of paints and varnishes of the Government of India;

(b) the portions of the requirement met from indigenous and foreign sources separately; and

(c) whether the total quantity is purchased by tender or there are any items purchased otherwise than by tender?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) Liquid paints and varnishes in Gallons 8·83 lakhs semi solid or Solid paints in Cwts. ·39 lakhs.

(b) The percentage of our requirements imported from abroad works out at 1·4, the balance 98·6 per cent. being met from indigenous sources.

(c) Purchases are made by open tenders.

Dr. Rama Rao: May I know whether Government have received any specific complaint to the effect that certain purchases have been made irregularly, *i.e.*, without tender?

Sardar Swaran Singh: Not to my knowledge. If the hon. Member could point out any specific case, I shall certainly look into it.

Shri Joachim Alva: Are Government aware that less than three factories, foreign factories with foreign management and foreign capital, with their superior resources of materials and other things, corner the paint and varnish market as against the lesser factories that are Indian? Do Government propose to purchase from the Indian factories with Indian personnel and Indian production?

Sardar Swaran Singh: I wish this question were more appropriately addressed to my colleague on my left, because this is a matter of commerce and industry.

So far as indigenous manufacturers are concerned, the policy of Government has been that even if foreign companies establish themselves in India, according to the laws that prevail here we do not discriminate against them in the matter of Government purchases, and we do not look into this aspect as to whether a manufacturing concern is controlled by foreign interests or whether it is controlled by Indian capitalists.

सरदार ए० एस० सहगल : पेंट्स और वार्निश बनाने के कारखाने चालू करने के लिए क्या किसी स्टेट गवर्नमेंट ने कोई कदम उठाए हैं और अगर उठाए हैं तो वह कौन सी स्टेट गवर्नमेंट हैं ?

सरदार स्वर्ण सिंह: इसके बारे में मुझे पता नहीं है।

निराश्रित एकल महिलाएं

*२१५०. **डा० सत्यवादी:** क्या पुनर्वास मंत्री यह बताने की कृपा करेंगे कि:

(क) निराश्रित एकल महिलाओं की देखभाल के लिए जो शिविर चलाए जा रहे हैं, उन पर प्रति वर्ष कितना व्यय किया जा रहा है;

(ख) क्या इन शिविरों में जो कुटीर-उद्योग चलाए जा रहे हैं, उनसे कोई आय होती है, और

(ग) यदि हां, तो प्रति वर्ष उसकी राशि कितनी है ?

पुनर्वास उपमंत्री (श्री जे० के० भोंसले): (क) से (ग). निराश्रित एकल महिलाओं पर होने वाले व्यय तथा उनके लिए चलाए गए कुटीर-उद्योगों की आय के अलग अलग आंकड़े नहीं रखे जाते। अतः अपेक्षित जानकारी उपलब्ध नहीं है। इन आंकड़ों को एकत्रित करने में जितना परिश्रम तथा समय लगेगा वह प्राप्त होने वाले परिणामों के तुल्य नहीं होगा।

डा० सत्यवादी: क्या कोई ऐसी स्कीम भी जैर-गौर है जिससे कि यह कैम्प्स सेल्फ सपोर्टिंग हो सकें ?

श्री जे० के० भोंसले : जी हां, बहुत सारी स्कीमें इनको सैल्फ सपोर्टिंग करने की हैं।

Shrimati Jayashri: May I know the number of women helped in these various camps, and the average daily wages paid to them?

Shri J. K. Bhonsle: There are about 40 camps all over the western zone. There are 29,000 aged, old and infirm in these camps.

Mr. Speaker: The average daily wages paid to them?

Shri J. K. Bhonsle: Average? It all depends. In boom days they earn up to about Rs. 3 a day, and on other days, the average is between Re. 1 to Rs. 2; in addition to Rs. 25 that we pay for their maintenance per month.

Shrimati Renu Chakravartty: Is it a fact that the amount spent on the women in the permanent liability camps in Assam or their equivalents is much less than that which is spent in the western sector?

Shri J. K. Bhonsle: We have recently put the whole thing on sound lines. There would not be any difference henceforth.

Shrimati Renu Chakravartty: Is there any proposal to enquire into the whole conditions prevailing in these camps in Assam?

Shri J. K. Bhonsle: My hon. friend knows that the Minister of Rehabilitation had held a meeting of all social workers, and that question is being examined.

Evacuee Houses

*2151. **Shri Radha Raman:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether it is a fact that a large number of evacuee houses remain either unoccupied or sealed in Delhi;

(b) if so, their number;

(c) the reasons for their being kept unoccupied; and

(d) how long it will take to make them available for use of the displaced persons?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) to (d). It is not a fact that a large number of evacuee houses remain unoccupied or sealed in Delhi. At present about 238, mostly single-room tenements are, however, available for allotment, though a majority of these tenements are in the occupation of unauthorised persons. These are being allotted to the applicants on the waiting list.

Shri Radha Raman: May I know the number of evacuee properties sealed here in Delhi?

Shri J. K. Bhonsle: There are roughly about 238 such houses.

Shri Radha Raman: May I know the considerations or priorities that have been laid down by Government for the allotment of these sealed or unoccupied houses?

Shri J. K. Bhonsle: As the cases are examined, so the houses are allotted.

Shri Radha Raman: May I know whether out of these evacuee properties, Government have already auctioned a certain portion, and if so, what is that?

Shri J. K. Bhonsle: We are puting them to auction very soon. That question is being examined in our Ministry now.

Shri Radha Raman: I was asking whether so far any evacuee property has been auctioned and if so, what the number was.

Shri J. K. Bhonsle: That information is not available now.

Compensation

*2152. **Shri Bhagwat Jha Azad:** Will the Minister of **Rehabilitation** be pleased to state:

(a) whether it is a fact that Government have under consideration a proposal to revise the ceiling of compensation payable to Displaced Persons; and

(b) if so, when the final decision is likely to be taken in the matter?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) and (b). There is no proposal for the revision of the ceiling under the Interim Compensation Scheme, which is in force at present.

The question of the scale under the final Compensation Scheme and the ceiling thereunder is still under the consideration of the Government. The scale will be incorporated in the Rules which will shortly be finalised and placed on the Table of the Lok Sabha.

Shri Bhagwat Jha Azad: May I know whether it is being considered to upgrade the compensation to be paid to the big claimants and scale down the compensation to be paid to the small claimants, and if so, what is the line of demarcation in terms of amounts?

Shri J. K. Bhonsle: The whole of that question is under the consideration of Government at the moment, and it will take some time before the rules etc. are finalised.

Shri Bhagwat Jha Azad: May I know whether there is any truth in the statement that the Tek Chand Committee has recommended to Government that the rate of compensation should be increased in the case of those who are big claimants, and reduced in the case of those who are small claimants? If so, may I know how many persons there are in that Committee who have got big claims.

Shri J. K. Bhonsle: As I have said, the matter is being examined at the moment, and it would not be right to state what the recommendations of the Advisory Committee are.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I would like to add that the proposition that the hon. Member has said is, if I may say so, on the face of it so outrageous that no committee can recommend it.

Shri Bhagwat Jha Azad: That Committee was set up to recommend the compensation to be paid.

Mr. Speaker: The question is under examination now. So how can that be replied to?

Engineers' Seminars

***2153. Shri S. N. Das:** Will the Minister of **Irrigation and Power** be pleased to state which of the recommendations made by the Engineers' Seminars at Nangal and Roorkee have been implemented so far by the Governments concerned?

The Deputy Minister of Irrigation and Power (Shri Hathi): A statement giving the required information is laid on the Table of the House. [*See* Appendix X, annexure No. 16.]

Shri S. N. Das: From the statement, it appears that a Co-ordination Board of Ministers has been appointed. I would like to know whether this Co-ordination Board of Ministers consists of all the Ministers of the various States or only Ministers of some of the States. If the latter is the case, which are the States that are represented on the Board?

Shri Hathi: The Co-ordination Board of Ministers consists of Ministers of almost all Part A States, and also those Part B States which have major river valley projects being executed there.

Shri S. N. Das: From the statement, it appears that the Seminar recommended the formation of an all-India service of irrigation and power engineers. It is stated that some of the States have not agreed to the proposal, and the question has not been finalised. I would like to know what were the reasons due to which those States did not accept the recommendation, if any reasons were given by them.

Shri Hathi: In principle, the Ministers who were present agreed. But as regards questions of initial recruitment and terms and conditions of service, the details were to be drawn up, and some of the States were not present. Earlier, in 1950, some of the States had not agreed.

Therefore, those States have been addressed.

Shri S. N. Das: May I know whether Government are considering the question of amending the Constitution, if necessary, for the establishment of this organisation?

Shri Hathi: That will depend upon the position after the replies of the States are received.

Samadhi OF MAHATMA GANDHI

*2154. **Th. Lakshman Singh Charak:** Will the Minister of **Works, Housing and Supply** be pleased to refer to the reply given to Starred Question No. 421 on the 26th November, 1954 and state:

(a) whether the design of the *Samadhi* of Mahatma Gandhi at Rajghat has since been approved by Government; and

(b) whether the *Gandhi Smarak Nidhi* have volunteered to make any contributions for this purpose?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) No, Sir.

(b) The Nidhi have offered a contribution of Rs. five lakhs.

Th. Lakshman Singh Charak: May I know how long it will take for Government to take a decision on the matter?

Sardar Swaran Singh: I am very sorry I cannot make any commitment because this is a difficult subject. A design was evolved and it was thought that perhaps it would be acceptable, but ultimately it had to be abandoned. Now, effort is being made to evolve another design, and as I stated on the floor of the Sabha on the 26th November 1954, a new Committee consisting of Sarvashri Roychowdhury, Zain Yar Jung, Ravishankar Raval, Surendranath Karr, G. H. Krumbaigal, a representative of the Lalit Kala Akadami and two representatives of this Ministry had been constituted for advising Government on the selection of a design.

Sardar Iqbal Singh: May I know whether this Committee has submitted its provisional report or not?

Sardar Swaran Singh: Yes, This Committee recently met and decided to hold a limited competition for a fresh design of the Samadhi.

Sardar Iqbal Singh: May I know whether this Committee has also submitted a report for a museum that is going to be constructed at Rajghat?

Sardar Swaran Singh: Not yet, because the lay-out of the museum and the architectural appearance will depend upon the final shape that the Samadhi takes.

MIGRATION OF PERSONS FROM TRIBAL AREAS OF PATHANISTAN ETC.

*2155. **Sardar Hukam Singh:** Will the Minister of **Rehabilitation** be pleased to state:

(a) the number of Hindus and Sikhs who migrated to India after the 15th August, 1947 from the border tribal areas of Pathanistan, Pakis'an and Tirah;

(b) the rehabilitation benefits received by them; and

(c) whether it is proposed to invite their claims for properties left by them?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) Presumably the reference is to the unadministered areas beyond the N.W.F.P. Information regarding Hindus and Sikhs migrated from these areas is not available.

(b) Usual rehabilitation benefits are given to persons who have migrated from the Tribal Areas adjoining N.W.F.P. such as Kurram. No separate information has been kept regarding persons who may have come from the unadministered areas, and it is not possible to say what rehabilitation benefits have been availed of by such persons.

(c) Claims of persons from certain Tribal Areas adjoining N.W.F.P. have been admitted and necessary legal

provisions have been made both in the Displaced Persons (Claims) Supplementary Act 1954 and the Displaced Persons (Compensation and Rehabilitation) Act 1954. There is no legal provision, however, now for inviting fresh claims.

Sardar Hukam Singh: As these unfortunate persons suffered identically and migrated under similar circumstances, would Government consider their case also by inviting fresh claims when they are here in India since 1947?

Shri J. K. Bhonsle: Their claims cannot be examined for compensation. But it is very unfortunate that for the last seven years they should never have approached Government for examining their claims. If they do so now, we shall consider them for what are known as rehabilitation grants.

Sardar Hukam Singh: May I know whether Government would be prepared to have a fresh enactment or have an amendment made so that these unfortunate persons might also be brought within the scope of the compensation scheme.

Shri J. K. Bhonsle: That is what I have said. We will consider their case for rehabilitation grants which would be paid under the Compensation Act.

Sardar Hukum Singh: Do I understand the Minister to say that so far, for the last seven years, Government have received no representation from these unfortunate persons who have been living here and have suffered similarly?

Shri J. K. Bhonsle: Yes. I have made inquiries and I find that for the last seven years we have not received anything in the Ministry of Rehabilitation.

Sardar Hukam Singh: Have these inquiries been made from States as well where they have settled or were they limited only to the Rehabilitation Ministry in Delhi?

Shri J. K. Bhonsle: They were limited to the Rehabilitation Ministry here, but all claims filed all over India for compensation have been processed here.

DOCUMENTARY FILMS

*2156. **Shri Wodeyar:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the number of documentary films in Kannada produced in 1954-55; and

(b) whether Government have any proposal for producing documentary films on the historical and architectural places in Karnataka?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Twenty.

(b) Places of historical and architectural interest in Kannada speaking areas have been covered in 8 documentaries. Other such places are being considered while framing the programme for 1955-56.

Shri Wodeyar: May I know whether Government propose to film documentaries of Keladhi, Ekari and Chitraldurg in Mysore State and Kittoor in Bombay Karnatak, as historical places in Rajasthan are being filmed?

Dr. Keskar: I could not hear the first part of it.

Mr. Speaker: He refers to some places like Chitraldurg in Mysore State.

Dr. Keskar: Effort is always to get the most interesting and well known historical and architectural centres filmed, but if my hon. friend has any suggestion to make, I will be very glad to get details from him.

Shri Thimmaiah: May I know in what language the largest number of documentaries have been produced?

Dr. Keskar: *The largest number is in English, and after that will come Hindi.

*The answer was later corrected as follows *vide* Part II Debats dated the 19th August, 1955: The largest number is in Hindi and after that comes English".

Shri Bhagwat Jha Azad: May I know what is the percentage of documentaries that are being produced in English as also those that have been produced in the regional languages? And would the hon. Minister supply us with the percentage of those who understand English?

Dr. Keskar: This was a question about Kannada documentaries. For the percentage, I will require notice.

SPINNING MILLS

*2157. **Shri Ram Shankar Lal:** Will the Minister of **Commerce and Indutry** be pleased to state:

(a) whether the Government of U.P. have submitted any proposal for the opening of a spinning mill for weavers on co-operative basis or otherwise; and

(b) whether any assistance in the form of a loan or grant is likely to be given for this purpose?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) It is understood that the U.P. Government submitted last year some such proposal to the Handloom Board who returned it to the State Government with some suggestions. No further proposals in the light of the suggestions made have so far been received.

(b) Does not arise.

स्थानीय निकायों के कर्मचारियों के लिए मकान

*२१५८. **डा० सत्यवादी:** क्या निर्माण, आवास और संभरण मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या स्थानीय निकायों के कम वेतन पाने वाले कर्मचारियों के लिए मकान बनवाने के लिए पंजाब और पेप्सू की राज्य सरकारों को कोई सहायता दी गई है ;

(ख) यदि हां, तो कितनी, और

(ग) क्या इस सम्बन्ध में हुई प्रगति के बारे में राज्य सरकारों से कोई प्रतिवेदन प्राप्त हुए हैं ?

निर्माण, आवास और संभरण मंत्री (सरदार स्वर्णसिंह): (क) तथा (ख). पंजाब सरकार को १४ लाख रुपया कर्ज दे दिया गया है । यह रुपया पंजाब सरकार म्युनिसिपल संस्थाओं को अपने कर्मचारियों के मकान बनाने के लिए बांटेगी । पेप्सू सरकार ने इस विशेष कार्य के लिए कोई अलग रकम नहीं मांगी थी।

(ग) जी नहीं। कर्ज की मंजूरी सिर्फ दो मास पहले ही दी गई है ।

डा० सत्यवादी: इस स्कीम के मातहत जो लोकल बाडीज के मकानात बनाए जाएंगे वह तो उनके मुलाजिमों के लिए ही होंगे, और मुलाजिमत खत्म होने पर उन्हें वह खाली करने पड़ेंगे। क्या इस सिलसिले में कोई ऐसी स्कीम भी सोची जा रही है कि वे मकानात उनको हायर परचेज सिस्टम पर दिए जा सकें ?

सरदार स्वर्ण सिंह : जी हां, अगर वे मुलाजिम हायर परचेज सिस्टम पर लेना चाहें तो उनको इस स्कीम के मातहत अलाहदा इमदाद दी जा सकती है। वह इमदाद भी स्टेट गवर्नमेंट ही दे सकती है । मगर ये मकानात जो म्युनिसिपल संस्थाएं बनाएंगी तो जिस वक्त वे नौकरी छोड़ेंगे उनको खाली करने पड़ेंगे क्योंकि उनकी जगह नए मुलाजिम उन मकानों को आक्युपाई करेंगे।

डा० सत्यवादी: इस काम के लिए क्या म्युनिसिपल बाडीज के मुलाजिमों की कोआपरेटिव हाउसिंग सोसाइटीज को कोई मदद दी गई है या नहीं ?

सरदार स्वर्ण सिंह: वह भी इस जनरल स्कीम के मातहत फायदा उठा सकते हैं।

TECHNICAL ASSISTANCE TO CAMBODIA

*2159. **Dr. Rama Rao:** Will the **Prime Minister** be pleased to refer the reply given to starred question No. 1430 on the 24th March, 1955 and state:

(a) the various departments in which Technical assistance has been promised by India to Cambodia; and

(b) whether any assistance has been sought by Cambodia for Public Health Schemes or Medical and Surgical personnel?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). In the Joint Communique dated the 18th March, 1955 issued after the talks between the Prime Minister and the Cambodian Delegation, mention was made that the Government of India desired to give such assistance to Cambodia as lay in their power. Apart from this nothing specific has been offered to Cambodia. It is not possible to say at this stage what will be the nature and extent of this assistance. No Specific request has yet been received from the Cambodian Government.

WRITTEN ANSWERS TO QUESTIONS

Training in Atomic Energy

***1983. Dr. J. N. Parekh**: Will the **Prime Minister** be pleased to state:

(a) whether it is a fact that India's name has been omitted by U.S.A. from the list of countries which are entitled to send their trainees to U.S.A. for training in Atomic Energy; and

(b) if so, the reasons therefor?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). No, Sir. India was invited to send suitable workers for training. This invitation has been accepted.

Atomic Weapons

***1988. Shrimati Tarkeshwari Sinha**: Will the **Prime Minister** be pleased to state:

(a) whether Government propose to undertake a preliminary survey of the consequences of the use of Atomic weapons; and

(b) if so, whether Government propose to appoint a panel of scientists to go into the question?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) and (b). Preliminary information in this respect is being collected by the Government of India.

अणु शक्ति के जापानी विशेषज्ञ

* २००७. **श्री रघुनाथ सिंह**: क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि क्या यह सच है कि अणु शक्ति के १४ जापानी विशेषज्ञों का एक नौ सरकारी शिष्टमंडल भ्रमण के लिए भारत आ रहा है?

प्रधान मंत्री तथा वैदेशिक-कार्य मंत्री (श्री जवाहरलाल नेहरू): जापानी विशेषज्ञों का एक दल दुनिया के १२ देशों का भ्रमण करने के लिए दिसम्बर १९५४ में जापान से चला था। उस दल के कुछ लोग बम्बई में अटौमिक एनर्जी विभाग और टाटा इन्स्टीट्यूट को देखने आए थे।

Publications Divisions

***2115. Shri Morarka**: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether Government have considered the recommendation of the Estimates Committee in para. 109 of their Eleventh Report that the total editorial staff in the Publications Division should be reduced to 4 Editors and 5 Assistant Editors with corresponding retrenchment in clerical and subordinate staff; and

(b) if so, with what results?

The Minister of Information and Broadcasting (Dr. Keskar): The recommendation has been examined and the decision is under consideration.

Rehabilitation of Displaced Persons in the East. rn States

***2116. Shri Radha Raman**: Will the Minister of **Rehabilitation** be pleased to state:

(a) whether it is a fact that Government have decided to rehabilitate the East Pakistan displaced persons who have not yet been settled finally in the Eastern States;

(b) if so, the number of such displaced persons to be rehabilitated in the Eastern States, State-wise; and

(c) the other facilities that Government propose to give them for their economic stability?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) Yes.

(b) Since the influx is continuing, it is not possible to have a correct assessment.

(c) In addition to assistance in the shape of agricultural land and loans for settlement in business or for the construction of houses, Government gives financial assistance for the education of their children and vocational training to enable them to earn their livelihood. Employment is found for them in Government and private concerns and attempts are being made to start cottage, medium and large-scale industries in order to enable them to find gainful employment.

MEETING OF BORDER POLICE OFFICERS

*2117. **Sardar Hukam Singh:** Will the **Prime Minister** be pleased to state:

(a) whether the Police Officers on the borders of the East and West Punjabs meet occasionally to discuss the various problems such as cattle lifting and smuggling;

(b) if so, whether such meetings have resulted in any decrease in these crimes; and

(c) the number of heads of cattle lifted from the Indian side by Pakistanis during 1954?

The Parliamentary Secretary to the Minister of External Affairs (Shri Sadath Ali Khan): (a) and (b). Yes Sir.

(c) Ninety-one heads of cattle were lifted from the Indian side during 1954. Out of these, the return of sixty-two has already been secured.

INDO-AMERICAN TECHNICAL COOPERATION PROGRAMME

*2119 **Shri Ram Shankar Lal:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) the names of the works to be undertaken under the Indo-American Technical Co-operation Programme during the current year; and

(b) the amount allotted for the purpose?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) (1) Rihand Valley Development Project.

(2) Improvement of Rajasthan Power Facilities Project.

(3) Mardas City Power Plant Expansion Project.

(4) Training Construction Equipment Operators and Mechanics Project.

(b) The amounts allotted to the above projects in serial order are:

(1) $ 11,000,000.

(2) „ 3,800,000.

(3) „ 2,900,000.

(4) „ 460,000.

INCIDENTS ON INDO-PORTUGUESE BORDERS

*2121. **Chaudhri Muhammed Shaffee:** Will the **Prime Minister** be pleased to lay a statement on the Table of the House showing:

(a) the number of incidents on the Indo-Portuguese borders which resulted in clashes between the Indian and Portuguese authorities during the period from the 1st January, 1954 to the 31st March, 1955;

(b) the number of other incidents involving the civilians during the same period;

(c) the number of arrests made by Indian and the Portuguese authorities in this connection; and

(d) the measures taken to prevent recurrence of such incidents?

The Deputy Minister of External Affairs (Shri Anil K. Chanda): (a) to (d). A statement is laid on the Table of the House. [*See* Appendix X, annexure No. 17]

RESEARCH STATION

*2122. **Shri Brohmo-Choudhury:** Will the Minister of **Irrigation and Power** be pleased to state:

(a) whether Government have decided to establish a River Research Station in Assam for the study of rainfall data in the State with a view to control floods;

(b) if so, whether selection of site and other preliminary works for the establishment of the Station have been undertaken; and

(c) when the research works are likely to commence?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) to (c). It is proposed to establish a River Research Station in Assam. Reconnaissance survey for selecting a suitable site has been made and other details are being worked out by the Government of Assam. The detailed scheme, when ready, will have to be accepted by the Planning Commission for inclusion in the Plan before it can be implemented.

ग्वालियर में रेडियो प्रसारण यंत्र

*२१२४. **श्री आर० एस० तिवारी:** क्या सूचना और प्रसारण मंत्री २३ नवम्बर, १९५४ को दिए गए तारांकित प्रश्न संख्या २९५ के उत्तर के संबंध में यह बताने की कृपा करेंगे कि:

(क) क्या तब से ग्वालियर (मध्य भारत) में रेडियो प्रसारण यंत्र स्थापित करने के लिए कोई निश्चय किया गया है;

(ख) यदि हां, तो उसके कब तक स्थापित हो जाने की सम्भावना है;

(ग) भारत में ऐसे कौन कौन से राज्य हैं जहां अभी रेडियो स्टेशन नहीं हैं और जहां निकट भविष्य में उनके खोले जाने की कोई सम्भावना नहीं है; और

(घ) क्या निकट भविष्य में विंध्य प्रदेश में रेडियो स्टेशन खोले जाने की कोई संभावना है?

सूचना और प्रसारण मंत्री (डा० केसकर): (क) अभी कोई निश्चय नहीं किया गया है। लेकिन द्वितीय पंचवर्षीय योजना को अन्तिम रूप देने के समय इस विषय पर विचार किया जाएगा।

(ख) यह प्रश्न नहीं उठता।

(ग) अभी उन राज्यों के नाम बताना संभव नहीं है जहां निकट भविष्य में आकाशवाणी केंद्र स्थापित होने की कोई सम्भावना नहीं है क्योंकि अभी तक द्वितीय पंचवर्षीय योजना को अंतिम रूप नहीं दिया गया है। इस वर्ष मध्य भारत और हिमाचल प्रदेश में रेडियो केन्द्र खुल रहे हैं और अजमेर में ट्रांसमिटर लगाया जा रहा है।

(घ) द्वितीय पंचवर्षीय योजना में इस पर विचार किया जाएगा।

PLANTATION ENQUIRY COMMISSION

*2126. **Shri T. B. Vittal Rao:** Will the Minister of **Commerce and Industry** be pleased to refer to the reply given to starred question No. 266 on the 25th February, 1955 and state whether the Plantation Enquiry Commission has since been asked to submit an interim report?

The Deputy Minister of Commerce and Industry (Shri Kanungo): No, Sir.

INDIA SUPPLY MISSION

*2128. **Sardar Iqbal Singh:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the total number of officers in the India Supply Mission in U.S.A. and the total amount of purchases made by them during 1954; and

(b) whether the Mission gets confirmation of their transactions beforehand from Government?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) The total staff consists of 89 persons of whom 12 are gazetted officers.

The value of purchases during 1954 was 19·5 crores.

(b) Powers have been delegated to the officers of the India Supply Mission to make purchases upto cer-

tain limits in consultation where necessary, with the Financial Adviser to the Embassy. Purchases exceeding these limits require the prior approval of Government.

FILM CENSORS AND ADVISORY BOARDS

*2131. **Shri Damodara Menon:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether it is a fact that the film industry has not been consulted in the matter of appointment of persons to the Central Board of Film Censors and the Film Advisory Board; and

(b) if so, the reasons therefor?

The Minister of Information and Broadcasting (Dr. Keskar): (a) and (b). The Central Board of Film Censors is a statutory body and the law as laid down by Parliament in the Cinematograph Act, 1952, does not provide for representation to or consultation with the film industry. The question of consultation does not therefore arise. In practice, a person with knowledge and experience of the film industry is, however, included on the Board.

The Film Advisory Board is an administrative Board set up for the purpose of approving films which may be regarded as scientific films, films intended for educational purposes, films dealing with news and current events or documentary films. Persons specialised in education, news, art, documentaries and distribution of films are therefore, included on the Board. Care has been taken to include a distributor and also a producer from the industry.

SUPPLY OF STORES TO CONTRACTORS

*2136. **Shri M. S. Gurupadaswamy:** Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the present procedure of supplying stores to contractors in Central Public Works Department;

(b) whether it is a fact that during 1954 a large quantity of cement was issued on bogus indents; and

(c) if so, what action has been taken against the persons responsible for it?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) Materials limited to the reasonable needs of a particular work are issued to Contractors, in accordance with the terms and conditions specified in the relevant agreement, and upon the authority of an indent prepared on the prescribed form, duly checked and passed by the competent officer.

(b) Yes, Sir. That is the suspicion.

(c) The case is now under police investigation. Meanwhile, the officers concerned have been placed under suspension, and a departmental enquiry is in progress.

PRESS TRUST OF INDIA

*2137. **Shri M. L. Dwivedi:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether it is a fact that negotiations between the employees of the Press Trust of India and the management have broken down;

(b) whether the employees have sought an interview with the Prime Minister and the Minister of Information and Broadcasting to bring about a settlement; and

(c) if so, the steps being taken by Government in the matter?

The Minister of Information and Broadcasting (Dr. Keskar): (a) Government have received copies of resolutions passed by the General Council of the Federation of Press Trust of India Employees' Unions and a statement made by the Board of Directors of the Press Trust of India which indicate that negotiations between the employees of the Press Trust of India and the management have broken down.

(b) and (c). Yes, Sir. The Press Trust of India Employees Union have sought an interview for making known their case to Government.

ABOLITION OF POSTS

*2142. **Shri Morarka:** Will the Minister of **Information and Broadcasting** be pleased to state:

(a) whether the attention of Government has been drawn to para. 110 of the Estimates Committee's Eleventh Report recommending the abolition of the posts of 2 Reference Assistants and that of the Library Assistant; and

(b) if so, the action Government propose to take in the matter?

The Minister of Information and Broadcasting (Dr. Keskar): The recommendation has been examined and the decision is under consideration.

PURCHASE OF KHADI

684. { **Shri Krishnacharya Joshi:** / **Seth Govind Das:**

Will the Minister of **Works, Housing and Supply** be pleased to state the total amount spent in purchasing Khadi for Government requirements during the year 1954?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): Rs. 28,06,349/-.

ELEPHANTS' TAIL HAIR

685. **Shri S. C. Samanta:** Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether it is a fact that there is a considerable demand from foreign countries for elephants' tail hair especially from West Germany;

(b) what are the indigenous manufactures from the elephants' tail hair; and

(c) whether indigenous trade will suffer if export of some of the articles is allowed?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) Excepting an enquiry from Hamburg regarding the names of exporters of hair of elephants' tail, Government of India have no information.

(b) No manufacture on large scale is known. It is understood to be used for making rings, bangles, armlets and ear-rings.

(c) Does not arise, in view of the reply to part (a).

LOANS TO DISPLACED PERSONS

686. **Shri D. C. Sharma:** Will the Minister of **Rehabilitation** be pleased to state:

(a) the number of displaced persons in Punjab who have been served with notices so far for the repayment of their housing loans; and

(b) the number among them from whom the loans have been realised so far?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) 1846 and one Co-operative Housing Society.

(b) 1122 and one Co-operative Housing Society.

BHAKRA-NANGAL PROJECT

687. **Shri D. C. Sharma:** Will the Minister of **Irrigation and Power** be pleased to state the present position of the work of rehabilitation of people affected by the construction of the reservoir for the Bhakra-Nangal Project?

The Deputy Minister of Irrigation and Power (Shri Hathi): The question of rehabilitation of displaced persons from the reservoir area is divided into two stages. First stage relates to the rehabilitation of persons upto R.L. 1280 who will be affected with the rise of water in May 1955 with the completion of the coffer dams. The number of families affected are 408 in Bilaspur and about 500 in Kangra District (Punjab). Out of 408 families in Bilaspur 236 will lose land within 1/4 of

their holdings and not their residential houses. These families are being paid cash compensation only. Of the remaining 172 families, 31 are being resettled in forest lands above R.L. 1700 in accordance with the decision taken at the meetings of the Bhakra Control Board held on the 25th and 26th March, 1955. The remaining 141 families have expressed their desire to be resettled in the Cattle Farm in Hissar District. The matter is under active consideration. As regards the resettlement of displaced families in Kangra District, 42 have been paid cash compensation. The rest are being resettled in Hissar District.

RIVER EROSION

688. Shri D. C. Sharma: Will the Minister of **Irrigation and Power** be pleased to state:

(a) the names of the States which are subject to frequent erosion by rivers; and

(b) the steps taken by the State or Central Government to prevent the erosions?

The Deputy Minister of Irrigation and Power (Shri Hathi): (a) and (b). The information is being collected and will be laid on the Table of the House as soon as possible.

HEAVY ELECTRICAL EQUIPMENT COMMITTEE

689. Shri S. C. Samanta: Will the Minister of **Production** be pleased to refer to the reply given to starred question No. 1632 on the 29th March, 1955 and state:

(a) the number of engineers that were consulted by the Committee appointed to enquire into the manufacture of heavy electrical equipment in the country; and

(b) the number of factories, establishments and workshops that were visited by the Committee?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): (a) The Committee held consultations with engineers of (i) the electrical industry (they accompanied the representatives of the industry during discussions with the Committee).

(ii) the Ordnance Factory, Dehra Dun.

(iii) the Central Workshops, Amritsar and.

(iv) the Ministries of Irrigation and Power, and Railways.

(b) Two.

COFFEE HOUSES

690. Shri Keshavaiengar: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the basic salary of the bearers serving in the Coffee Houses run by the Coffee Board;

(b) the total number of such bearers in the country;

(c) the several categories of these bearers or employees in the Coffee Board; and

(d) the respective salaries and grades of these employees?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) to (d). A statement is attached. [*See* Appendix X, annexure No. 18.]

DEPOSITS OF BERYL ORE

691. Shrimati Ila Palchoudhury: Will the **Prime Minister** be pleased to state when the work on the recently found Beryl Ore Deposits is likely to begin?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): The new Beryl deposit discovered in Andhra State is not proposed to be worked departmentally. A private party has recently been granted a mining lease for the area in question under the Mineral Concession Rules, 1949, and the work is likely to start soon.

गोमांस

६९२. **सेठ गोविन्द दास:** क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि सीमा शुल्क विभाग के प्रतिवेदन के अनुसार १९५१-५२, १९५२-५३, १९५३-५४ में विभिन्न बन्दरगाहों से अलग अलग कितने कितने रुपयों का गोमांस, गाय की आंतें, गाय की जिह्वा, जिगर तथा बछड़ों की खालों का निर्यात विदेशों को किया गया?

वाणिज्य तथा उद्योग उपमंत्री (श्री कानूनगो): समुद्र द्वारा होने वाले व्यापार के लेखे में गोमांस, गाय की आंतों, गाय की जिह्वा, जिगर के निर्यात सम्बन्धी आंकड़े अलग नहीं लिखे जाते। १९५१-५२ में बम्बई और कलकत्ते के बन्दरगाहों से क्रमशः ०.४९ लाख रु० और २.४१ लाख रु० मूल्य की बछड़ों की कच्ची खालों का निर्यात किया गया। ४ अप्रैल, १९५१ को इन खालों का निर्यात वर्जित कर दिया गया और इसलिए १९५२-५३ तथा १९५३-५४ में इनका कोई निर्यात नहीं हुआ।

Training in Cottage and Small Scale Industries

693. Shri Ibrahim: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the names of various institutions in Uttar Pradesh and Bihar (State-wise) run or aided by the Central Government for imparting training cottage and small scale industries;

(b) the number of candidates trained in these States (State-wise) during 1954; and

(c) the expenditure incurred on them (State-wise)?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) to (c). The information is being collected and will be laid on the Table of the House in due course.

Ammonium Sulphate

694. Shri Ibrahim: Will the Minister of **Production** be pleased to state:

(a) the accumulated stocks of ammonium sulphate at the Sindri Fertilizer Factory in the months of July, 1954 and January, 1955; and

(b) the total capacity of godowns of the Sindri Fertilizer Factory?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): (a) The stocks in the month of July, 1954, ranged from 1,050 tons to 8,943 tons while those in the month of January, 1955 from 22,932 tons to 28,593 tons.

(b) 90,000 tons.

Film on Gandhiji

695. Chaudhri Muhammed Shaffee: Will the Minister of **Information and Broadcasting** be pleased to state:

(a) the number of persons in the film industry in India and abroad who have approached the Government of India for facilities in making a film on Gandhiji or on his teachings;

(b) the reactions of Government to these proposals;

(c) when these films are likely to be completed; and

(d) what are their titles and who are the producers?

The Minister of Information and Broadcasting (Dr. Keskar): (a) to (d). No producer from the Indian film industry has approached Government for facilities for the production of a film on "Gandhiji and his Teachings". Gandhi Smarak Nidhi have, however, produced a documentary film and for this film, facilities were provided by the Films Division. Two foreign film producers had expressed a desire to produce films on the subject. One was Mr. Gabriel Pascal. This proposal, however, did not materialise due to Mr. Pascal's premature death. Recently, Mr. Otto Preminger expressed his intention to produce a film, but no request has so far been received from him for any facilities. His intention probably is

not to bring Mahatma Gandhi into the picture, but to depict the effect of Gandhiji's teachings on others.

Handloom Industries in Jammu and Kashmir

696. Th. Lakshman Singh Charak: Will the Minister of **Commerce and Industry** be pleased to lay on the Table of the House a statement showing the amount advanced as loan or subsidy to the State of Jammu and Kashmir for the hand-loom Industry during 1954?

The Deputy Minister of Commerce and Industry (Shri Kanungo): The question of extending the Khadi and other Handloom Industries Development (Additional Excise Duty on Cloth) Act, 1953 to the State of Jammu and Kashmir is under consideration. So far no assistance has been rendered towards development of handloom industry in that State.

Rural Houses

697. Sardar Hukam Singh: Will the Minister of **Rehabilitation** be pleased to state:

(a) the amount of claims in respect of rural houses which have been rejected because the claimants had allotment of land (i) less than 4 acres and the house property was valued at less than Rs. 10,000/-; (ii) more than 4 acres, but the value of the house property was less than 20,000/-;

(b) the amount of attested rural claims which have been reduced to 50 per cent. of their value after attestation; and

(c) whether any reconsideration is contemplated?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) The information is not available.

(b) No claims have been reduced to 50 per cent. of their value after attestation.

(c) The question does not arise.

Atomic Minerals

698. Shri Nageshwar Prasad Sinha: Will the **Prime Minister** be pleased to state:

(a) the number of the Central Government officers who have been stationed in Bihar Mica area for the administration of the departments concerned with Uranium, Beryl and other (Atomic) Minerals; and

(b) the arrangements that have been made for their housing and maintenance of Government offices?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Fifteen officers of the Department of Atomic Energy are stationed in Bihar mica areas for the survey of Uranium, Beryl and other atomic minerals.

(b) All of these officers are touring officers and they move from place to place in connection with their duties. Government have provided them with tents for use in the field. No other arrangements for their housing and office accommodation have been made.

Local Works

699. Thakur Jugal Kishore Sinha: Will the Minister of *Planning* be pleased to state:

(a) whether it is a fact that some suggestions for improvement in the procedure of planning and execution of local works which were received from a Bihar Member, were forwarded to the Bihar State for their comment several months ago;

(b) whether any report has been since received from the Bihar Government; and

(c) if so, what is the comment of the Bihar State and what action is being taken on their report?

The Deputy Minister of Planning (Shri S. N. Mishra): (a) Yes, Sir.

(b) Not yet, Sir.

(c) Does not arise.

DISPLACED PERSONS IN VINDHYA PRADESH

700. Shri Gidwani: Will the Minister of **Rehabilitation** be pleased to state:

(a) the total number of displaced persons in Vindhya Pradesh at present;

(b) the number of residential houses, tenements, and shops constructed for them so far; and

(c) the number of these houses, tenements and shops lying unoccupied till the 28th February, 1955?

The Deputy Minister of Rehabilitation (Shri J. K. Bhonsle): (a) 2961 families.

(b) 760 single-room tenements.

(c) 670 single-room tenements.

INDIAN HIGH COMMISSION, LONDON

701. Shri S. V. Ramaswamy: Will the **Prime Minister** be pleased to state:

(a) whether the pay scales of the officials of the Indian High Commissioner's office, London, are linked with the British Civil Service rates of pay;

(b) whether it is a fact that local recruits are not promoted but fresh hands are sent from India to fill up the vacancies; and

(c) the cost involved in sending fresh hands from India, by way of passage for their families, house rent allowance, heating allowance etc.?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes, in respect of locally recruited staff. The High Commissioner is authorised to apply to the various grades of the locally recruited staff terms not more favourable than those prescribed from time to time by the U.K. Treasury for analogous grades.

(b) Locally recruited officials are promoted to higher posts on local rates of pay as and when there is a vacancy in such locally filled posts. Officials from India are sent against India-based posts.

(c) The cost of passages of staff sent from India varies according to the status and the size of the family of each official. The cost of a single passage varies from £75 to £144 per person. The cost of house rent and heating also varies according to the status and the size of the family of the individual subject to certain maxima and minima. A statement showing the quantum of accommodation and monetary ceilings prescribed for various categories is laid down on the Table of the House. [*See* Appendix X, annexure No. 19.]

SALT

702. Thakur Jugal Kishore Sinha: Will the Minister of **Production** be pleased to state the reasons for relaxing the control in regulating the allotment of Railway wagons for transport of salt to hitherto salt-scarcity area of North Bihar and the result of such relaxation on the price and supply position of salt?

The Parliamentary Secretary to the Minister of Production (Shri R. G. Dubey): There has been no relaxation in the system of allotment of railway wagons, made by the Salt Department, for the transport of salt to North Bihar. With the abolition of the nominee system by the State Government supplies are arranged through non-nominees but according to the information available with the Government there has been no change in the price or supply position of salt to North Bihar.

FLAYING CENTRES

703. Shri Ram Shankar Lal: Will the Minister of **Commerce and Industry** be pleased to state:

(a) whether the proposed one hundred Flaying centres have been opened;

(b) if so the names of the places, State-wise, where they have been opened; and

(c) the criteria for such selection?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) to (c). Information is being obtained from the All India Khadi and Village Industries Board, Bombay and will be laid on the Table of the House in due course.

MACHINERY

704. Shri Anirudha Sinha: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the capital invested at present in the industries manufacturing machines required in the production of textiles, sugar and steel; and

(b) the number of units engaged at present in the manufacture of such machinery?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) and (b). There is no local production of machinery required by the Steel Industry as such though certain portions of the equipment needed by the Industry can be fabricated in India. 28 units are reported to be engaged in the manufacture of machinery for the textile and sugar industries. Of these 20 are exclusively making textile machinery and 4 sugar machinery. The total capital of all the 28 units is about Rs. 7·0 crores.

NANDIKONDA PROJECT

705. Dr. Rama Rao: Will the Minister of **Irrigation and Power** be pleased to refer to the reply given to Starred Question No. 1080 on the 16th March, 1955 and state the extent of *Banjar* land that will be irrigated by the Nandikonda Project?

The Deputy Minister of Irrigation and Power (Shri Hathi): The required information is being collected from the Governments of Andhra & Hyderabad and will be laid on the Table of the Lok Sabha as soon as possible.

आतिथ्य व्यय

७०६. डा० सत्यवादी: क्या सूचना और प्रसारण मंत्री यह बताने की कृपा करेंगे कि:

(क) चालू वर्ष में "आतिथ्य व्यय" निधि के लिए कितनी राशि स्वीकृत हुई और २१ जनवरी, १९५५ तक कितना व्यय हो चुका है, और

(ख) यह राशि किस प्रकार व्यय की गई?

सूचना और प्रसारण मंत्री (डा० केसकर): (क) तथा (ख). सम्भवतः सम्मानीय सदस्य पत्र सूचना कार्यालय के बजट में स्वागत सत्कार व्यय की व्यवस्था के सम्बन्ध में उल्लेख कर रहे हैं। इस मद का प्रयोग भारत और विदेशों के समागत पत्र संवाददाताओं, पत्र प्रतिनिधि मंडलों तथा समाचार-पत्रों से संबंधित अन्य प्रतिष्ठित व्यक्तियों के आतिथ्य खर्च को पूरा करने के लिए किया जाता है। १९५४-५५ में इस मद में ६००० रुपए की राशि रखी गई थी, जिसमें से २१ जनवरी, १९५५ तक ४९४० रु० २ आ० ६ पा० खर्च हुए।

ASSISTANCE TO COOPERATIVE SOCIETIES FOR CONSTRUCTING HOUSES

707. Dr. Satyawadi: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the number of co-operative societies of labourers in various States which have been given financial assistance by the Central Government for constructing houses under the Subsidised Housing Scheme for Industrial Workers and the amount given in the form of loan and subsidy separately;

(b) the amount of aid given to the State Governments of Punjab, Pepsu, Delhi and Himachal Pradesh for giving financial assistance to such societies during the current year; and

(c) whether the State Governments have sent any reports regarding the progress made by them in this direction?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) and (b). A statement giving the required information is placed on the Table of the Lok Sabha. [*See* Appendix X, annexure No. 20].

(c) Yes, Sir. Disbursement of sanctioned assistance is in fact related to the progress of actual construction.

REQUISITIONED HOUSES IN DELHI AND NEW DELHI

708. Shri Radha Raman: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the total number of requisitioned houses with Government in Delhi and New Delhi at the close of the year 1954;

(b) how it compared with the position prevailing in the three previous years, namely, 1951, 1952 and 1953; and

(c) how many houses were derequisitioned by Union and State Governments separately during the above mentioned period *i.e.* from 1951—54?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) to (c). A statement containing the requisite information is laid on the Table of the Lok Sabha. [*See* Appendix X, annexure No. 21].

SODIUM HYDROSULPHITE PLANT

709. Dr. J. N. Parekh: Will the Minister of **Commerce and Industry** be pleased to state:

(a) the names of the firms to whom licences for starting Sodium Hydrosulphite plants have been issued so far under the Industries (Development and Regulation) Act;

(b) when they were issued; and

(c) the progress in the direction of manufacturing them and when the Indian product is expected to be put on the market?

The Deputy Minister of Commerce and Industry (Shri Kanungo): (a) and (b).

Name of the firm	Date of the issue of the licence.
1. M/s. Popatial Ghalabhai & Co., Bombay.	2nd Dec. 1953
2. M/s. Eastern Chemicals, Bombay.	30th Sep. 1954
3. M/s. Indian Electro-Chemicals Ltd., Bombay.	27th Jan. 1955

(c) The period for taking effective steps for establishing the undertakings in respect of firms at (1) and (3) above has not yet expired. In the case of the firm at (2) above, the period expired on 30th March, 1955 and the progress report is awaited. The firms are expected to go into production in 1956.

ECONOMIC SURVEY OF HIRAKUD PROJECT

710. Shri Sanganna: Will the Minister of **Irrigation and Power** be pleased to refer to the reply given to starred question No. 40 on the 15th November, 1954 regarding the economic survey of the Hirakud Dam Project by the Gokhale Institute of Politics and Economics and state the progress so far made in the matter?

The Deputy Minister of Irrigation and Power (Shri Hathi): The Government of Orissa, who are responsible for having the survey conducted, have reported as follows:—

The urban surveys in the towns of Puri and Sambalpur relating to income, employment, trade and industry have been completed. Similarly the rural surveys conducted on a random sample basis about general family conditions *i.e.* their occupation, income, employment etc. and the enquiry into the conditions of agriculture in the selected grids have also been completed. All this constitutes about two-thirds of the field work connected with the economic survey.

The rest of the field work relating to enquiries into the conditions of landless labour, artisans, traders, professionals etc. is now in progress.

At the headquarters office, the processing of the data already collected has also been taken up.

MARRIAGE WITH FOREIGNERS

711. Shri S. V. Ramaswamy: Will the **Prime Minister** be pleased to state:

(a) whether there are any rules governing marriage of the personnel who are under the control of the Ministry of External Affairs with foreigners;

(b) if so, the nature of the rules and since when they are in force;

(c) the number of persons under the control of the Ministry of External Affairs who are so married; and

(d) the penalty for marrying foreigners in contravention of the rules?

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): (a) Yes.

(b) The relevant rule is Rule 37 of the Indian Foreign Service Rules, 1954 a copy of which is laid on the Table of the House. [*See* Appendix X, annexure No. 22] Although the I.F.S. Rules came into effect on the 1st April, 1954 they had been in draft since May, 1950 and have been generally followed since that time.

(c) 18.

(d) The penalty for contravention of the Rule regarding marriage with foreigners is removal from service. Government, however, have the right in very special circumstances to retain in the service persons who do not satisfy the conditions prescribed by the rule.

INDIAN TRADE COMISSIONS

712. Shri Sarangadhar Das: Will the Minister of **Commerce and Industry** be pleased to state the annual expenditure incurred on the various Indian Trade Commissions in the foreign countries?

The Deputy Minister of Commerce and Industry (Shri Kanungo): The actual expenditure incurred on the various offices of the Indian Trade Commissioners and Trade Sections of the Indian Missions abroad during the years 1951-52 to 1953-54 is as follows:—

1951-52	Rs. 37,65,796
1952-53	Rs. 29,28,779
1953-54	Rs. 35,15,264

ताड़-गुड़

९१३. श्री अमर सिंह डामर: क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि आजकल किन किन स्थानों पर केन्द्रीय ताड़-गुड़ प्रशिक्षण स्कूल हैं?

वाणिज्य तथा उद्योग उपमंत्री (श्री कानूनगो): केन्द्र की ओर से चलने वाला ताड़-गुड़ प्रशिक्षण का केवल एक स्कूल है जो बम्बई राज्य में थाना जिले के दहानू नामक स्थान पर चल रहा है। यह स्कूल हाल में ही मद्रास राज्य के दक्षिण अर्काट जिले के कड्डालोर स्थान से यहां लाया गया है।

छोटे पैमाने के उद्योग

९१४. श्री अमर सिंह डामर: क्या वाणिज्य तथा उद्योग मंत्री यह बताने की कृपा करेंगे कि:

(क) १९४८ से अब तक राजस्थान तथा मध्य-भारत राज्यों को छोटे पैमाने के उद्योगों का विकास करने के लिए कितनी राशि के अनुदान मिले हैं; और

(ख) किन विशेष उद्योगों के लिए अनुदान दिया गया था?

वाणिज्य तथा उद्योग उपमंत्री (श्री कानूनगो): (क) तथा (ख). एक विवरण साथ दिया जा रहा है। [देखिए परिशिष्ट १०, अनुबन्ध संख्या २२]

यूरेनियम

७९५. श्री भक्त दर्शन: क्या प्रधान मंत्री यह बताने की कृपा करेंगे कि:

(क) क्या यह सच है कि उत्तर प्रदेश के गढ़वाल जिले में यूरेनियम से मिलते जुलते कुछ खनिज मिले हैं, और

(ख) यदि हां, तो इस मामले में सरकार का विचार क्या कार्यवाही करने का है?

प्रधान मंत्री तथा वैदेशिक-कार्य मंत्री (श्री जवाहरलाल नेहरू): (क) तथा (ख). गवर्नमेंट को गढ़वाल जिले में यूरेनियम की किसी नई खोज का पता नहीं।

Low-Income Group Housing Scheme

716. Shri Mohanlal Saksena: Will the Minister of **Works, Housing and Supply** be pleased to state:

(a) the total number of houses which are expected to be constructed under the Low-Income Group Housing Scheme during the next two years;

(b) the steps taken by Government for the development of cheap land for housing sites as envisaged in the Scheme; and

(c) the total area of such land that is expected to be developed during the next two years?

The Minister of Works, Housing and Supply (Sardar Swaran Singh): (a) and (c). The implementation of the Low-Income Group Housing Scheme will depend on the extent to which State Governments actively pursue it. Government of India have already indicated to them the extent to which they are prepared to grant loans up to the end of the current financial year. The number of houses that are likely to be constructed and the area of land that could be developed could only be inferred on a very rough basis from the quantum of these loan allocations. On this basis the expectation is that the construction of about 40,000 houses could be taken in hand and that the acquisition and development of about 1500 acres could be attempted.

(b) The State Governments have been requested to take suitable action in the matter.

LOK SABHA

Monday, 11th April, 1955.

The Lok Sabha met at Eleven of the Clock.

[MR. SPEAKER *in the Chair*]

QUESTIONS AND ANSWERS

(See Part I)

12 NOON.

PRESIDENT'S ASSENT TO BILL

Secretary: Sir, I have to inform the House that the Essential Commodities Bill, 1955, which was passed by the Houses of Parliament during the current session was assented to by the President on the 1st April, 1955.

PAPERS LAID ON THE TABLE

NOTIFICATIONS UNDER THE SEA CUSTOMS ACT.

The Minister of Revenue and Defence Expenditure (Shri A. C. Guha): I beg to lay on the Table a copy of each of the following Customs Notifications under sub-section (4) of section 43B of the Sea Customs Act, 1878 as inserted by the Sea Customs (Amendment) Act, 1953:

(1) Ministry of Finance (Revenue Division) Notification No. 163, dated the 18th December, 1954.

(2) Ministry of Finance (Revenue Division) Notification No. 164, dated the 18th December, 1954; and

(3) Ministry of Finance (Revenue Division) Notification No. 28, dated the 26th February, 1955.

[*Placed in Library. See No. S-114/-55.*]

Shri R. K. Chaudhuri (Gauhati): May I respectfully point out one thing, if you.....

Mr. Speaker: Afterwards; let the regular business be commenced and then we shall see.

ELECTION TO COMMITTEE

CENTRAL SILK BOARD

Mr. Speaker: I have to inform the House that up to the time fixed for receiving nominations for the Central Silk Board, six nominations were received. Subsequently, two members withdrew their candidatures. As the number of the remaining candidates was thus equal to the number of vacancies, I declare the following members to be duly elected to the Board:

1. Pandit Lingaraj Misra.
2. Shri Dodda Thimmaiah.
3. Shri Bimalaprosad Chaliha.
4. Shri Y. Gadilingana Gowd.

CONVENTION *RE.* QUORUM

Mr. Speaker: Now, we will pass on to the regular legislative business. What has the hon. Member to submit?

Shri R. K. Chaudhuri (Gauhati): I respectfully submit that under the

[Shri R. K. Chaudhuri]

present procedure we are having no recess. Many Members have to absent themselves from the House while important matters are going on. At least today and tomorrow we are expected to be here so that there may not be any chance of there being any want of quorum. I would request that a certain hour be fixed for today and tomorrow to enable the Members to go for lunch.

Mr. Speaker: The hon. Member will note that this is a convention which the House has adopted and has agreed to follow for purposes of putting through the business of the House and having longer time for discussion. There has been a safeguard, however, that between the hours of 1 and 2.30 no voting will take place, so that any of the Members who wish to remain absent may remain absent during that hour, have their lunch and come back to the House. That is the only thing. I do not think it is possible now to revise the order, but the matter is entirely in the hands of the House.

I must modify my remarks in the light of the information the Secretary gives me. A voice vote is taken during that period, but if it is challenged no count is taken. That is the position.

Shri Bhagwat Jha Azad (Purnea *cum* Santal Parganas): Are we to understand that within these hours no quorum will be required also?

Mr. Speaker: I do not think I should say that, because quorum is a provision made by the Constitution. But the real position is this: when the House starts its business it is always with a quorum and it is always presumed that the quorum continues. Unless the attention of the Chair is drawn to the want of quorum, though the Chair has also powers *suo-motu* to count and see whether the quorum is there or not, usually the Chair will not do it and the convention has been that Members also will not try to draw the attention of the House to the absence of quorum, if they really want that the business of the House should be proceeded with.

Shri Raghavachari (Penukonda): With your permission, Sir, may I submit one point? The proposal that was made before the convention started was that if during that period, that is, between 1 and 2.30 P.M. the House possessed the minimum strength required for a quorum then voice votes could be taken and business could be carried on. Even when the strength fell short of the quorum and, as you said, nobody drew the attention of the Chair to that, the proceedings will still go on under the convention. Therefore, it reduced itself to this. Even when there is no quorum between those hours voice votes can be taken and the proceedings carried on unless where voting is required by a division. But if a division is forced and if the number present is less than the quorum, it cannot proceed. That is how the convention is to be read.

Mr. Speaker: That is a matter of record and we shall consider it if a dispute or a difference arises.

CONSTITUTION (FOURTH AMENDMENT) BILL

Mr. Speaker: The House will now take up consideration of the Constitution (Fourth Amendment) Bill as reported by the Joint Committee. As the House is aware 10 hours have been allotted for the consideration and passing of this Bill, out of which 6 hours will be devoted to general discussion, 3 hours to clause by clause consideration and 1 hour to third reading.

The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru): I beg to move:

> "That the Bill further to amend the Constitution of India, as reported by the Joint Committee, be taken into consideration."

The House will remember that when this matter came up on the previous motion to appoint a Joint Committee, we had a fairly full and, if I may say so, a very profitable discussion in this House. As a result of that discussion, the House agreed to send this Bill to a Joint Committee and, if I remember aright, the House agreed by a rather unusually big majority—in fact, only 8 or 9 persons disagreed in all this House. When this matter went up to the other House also, in connection with the appointment of the Joint Committee—it went up there with our recommendation—that other House, if I may say so, went a step further and unanimously agreed to send it to the Joint Committee. I mention these facts to show what an astonishing, almost unanimity of opinion there has been in Parliament over this matter, and quite rightly so, if I may say so with all respect.

One would imagine, sometimes reading or hearing some criticisms made outside this House, that this was a measure over which opinion was rent in twain, that it was a highly controversial measure which proposed something to be done which was very extraordinary. And, yet, when one comes to see actually what has happened in this House or the other House, one finds that those persons who were most intimately connected with this matter in the sense that they are considering it directly, Members of this House, Members of the other House, those who have listened to arguments for and against, have, by and large, nearly all of them, come to one broad conclusion in favour of this amendment of the Constitution. This should be remembered because an attempt is made—outside this House, of course, outside Parliament—to create an impression contrary to this.

Now, this Bill went up to the Joint Committee and I am not, I think, saying anything that may be considered secret when I say that the proceedings of the Joint Committee were quite remarkable for their, shall I say, co-operative approach to this problem, for their understanding approach and for their near-unanimous approach to this problem. In fact, the Bill as it has emerged from the Joint Committee might almost be considered—because, naturally, every Member of the Joint Committee has the right to say what he has to say or may say—but, it may almost be considered to represent the opinion, the views of almost every Member of the Joint Committee, which consisted of people of various parties and various views. I merely mention this to place the House in possession of the background. Now, after the report of the Joint Committee was prepared and passed in this co-operative manner by almost every Member of the Joint Committee, some Minutes of Dissent have been received. They are three, I think,—one by Mr. Chatterjee, one by Mr. Jaipal Singh and one by Mrs. Chakravartty and others. So far as the Minute of Dissent of Shri Jaipal Singh is concerned, I would only say that I am sure that if Shri Jaipal Singh had taken the trouble of attending any single meeting of the Joint Committee, he might have been convinced otherwise. Because he did not attend a single meeting and he was not there at all...

Shri Jaipal Singh (Ranchi West—Reserved-Sch. Tribes): May I contradict the Mover of the Motion and say that I was present at some of the sessions?

Shri Jawaharlal Nehru: What?

Mr. Speaker: He says he was present there on some occasions.

Shri Jawaharlal Nehru: I am sorry I made a wrong statement, but when presiding over it, I did not remember seeing him there—perhaps he was at the first meeting. So, we might presume that Shri Jaipal Singh had erred in ignorance in presenting his Minute of Dissent. If he had discussed the matter with us, he might have been convinced to the contrary.

Then there is the Minute of Dissent of Shrimati Chakravartty and two other hon. Members. I think that

[Shri Jawaharlal Nehru]

anyone who reads it will probably come to the conclusion that this is what might be called a formal Minute of Dissent, without much faith or belief in it. They have to say something. The one thing that they say at the beginning of that Minute of Dissent is that they felt that they have been returned to this House on a programme of acquisition without compensation. That may be so, but that certainly is not the basis of this Bill or the policy of Government. Therefore, there is no question of our considering that matter in connection with this Bill or otherwise.

Now, we come to the major and the longest Minute of Dissent of the hon. Member, Shri Chatterjee, in which he has quoted from high legal authorities, apart from the fact that he is himself a high legal authority. Now, exactly what is this Bill? What is the attempt to amend this Constitution? It is odd that words are thrown about confiscation of property, of expropriation when actually what the Constitution or the amended Constitution, if you amend it, says is that there will be no such thing except by law and except on payment of compensation. Remember that. The quantum of compensation is to be determined by the legislature. Now, there are so many quotations given by Shri Chatterjee about due process of law—for instance he says:

> "A distinguished American Judge observed 'a great desire to improve the public condition is not enough to warrant achieving the desire by a shorter cut than the constitutional way....".

Well, I say, this is the constitutional way, and what is proposed is the definite, legal and constitutional way of doing it and we are varying or amending the Constitution in the constitutional way. I do not quite understand this throwing about of words, about expropriation and confiscation and doing things apart from the law. Remember this that the sole major change is to make clear one thing which I submitted on the last occasion, was clear to us at the time this Constitution was framed. That is to say, according to the Constitution as put forward before the Constituent Assembly and as it emerged from the Constituent Assembly, the quantum of compensation or the principles governing compensation would be decided by the legislature. This was made perfectly clear. Now, it is obvious that those who framed the Constitution failed in giving expression to their wishes accurately and precisely and thereby the Supreme Court and some other Courts have interpreted it in a different way. The Supreme Court is the final authority for interpreting the Constitution. All I can say is that the Constitution was not worded as precisely as the framers of the Constitution intended. What the framers of the Constitution intended is there for anyone to see. All that has been done now is to make that wording more precise and more in accordance with what the framers of the Constitution at that time meant and openly said. That is the only thing. So, I do not understand this measure of excitement and agitation in people's minds—not in this House, but elsewhere—about this matter.

May I say straight off that I think, with all respect, that the Joint Committee has certainly improved the Bill from what it was previously? Naturally, I accept this Report and their recommendations completely. Of course, there might be one or two minor changes that we might agree to—we have one or two minor changes in view—but apart from that, I think that it would be a pity to amend this as it has emerged from the Joint Committee's consideration of it. It has emerged, as the House will see, in a much simpler form. It is shorter and simple than before and that itself is desirable. Because of a change made —I am sorry I forget the numbers—to article....

The Minister of Commerce and Industry (Shri T. T. Krishnamachari): Article 31(2).

Shri Jawaharlal Nehru: Yes. This slight change makes the point clear and as a consequence of that change, it was not necessary to add in the next clause, the third clause, a long list of matters. We have shortened that. That is practically all that has been done.

What exactly is our approach to this basic question? Shri Chatterjee has written at length and has begun by referring to the makers of the Indian Constitution having deliberately conferred certain Fundamental Rights. I was one of those humble individuals who had something to do with the making of the Constitution; there are others sitting here who had recorded their views in their speeches then. I do submit that those makers of the Constitution were perfectly clear as to what they meant and I do submit that what we are putting before the House in this Joint Committee's Report is precisely and exactly what they said at that time, so far as 31(2) is concerned. There is nothing new about it and there is nothing very terrible about it. The whole Constitution is based on the proposition that it must proceed by law and secondly, that compensation should be paid, except in certain specified cases of a small number. Generally speaking, compensation must be paid, but in regard to the determination of what the compensation should be, it is left to the legislature. To repeat what I said four or five years ago, if anything is done by the legislature which is considered a fraud on the Constitution, it is a different matter—then the Courts may come in—but otherwise it should not be open to the Courts to challenge the decision of the legislature on this point. It is a simple issue. Where does expropriation or the rest come in? I really do not understand it. The view in regard to property which Shri Chatterjee has put forward in his Minute of Dissent and in which he is supported by some high legal authorities, is one with which I cannot agree. It may be that, as Shri Chatterjee says quoting a great political thinker, "men will sooner forget the death of their relatives than the confiscation of their property". We rather not encourage such men in this country. It is a monstrous thing that property should be made a God, above human beings. To put it this way, that whatever a man may do,—he may even commit murder—it is nothing, but property is a God and must be worshipped—well, this Government is not prepared to accept that view of property at all.

Repeatedly, Shri N. C. Chatterjee refers to the use of the phrase "the sanctity of private property", as though there was something divine or semi-divine about it. It is a right —property. The possession of property is a thing which we recognise, which we protect, and it is defined here how compensation is to be given if a man is deprived of it. There it is. But to talk in these terms, if I may say so, of sanctity, divinity etc. being attached to property is very much out of date. It has no relation, not only to present days but to present-day facts. I am not referring to what may be called socialistic or communistic countries, but to countries which are presumed to be capitalistic and the like. The whole conception, the whole approach is changing. If Shri Chatterjee quotes something from the judges of the middle of the 19th century, that may have been the way of thinking then. It is not so now. The whole idea and approach to this question is changing. These questions do not arise in this particular amendment to the Constitution.

Again, Shri Chatterjee quotes—rather, he quotes someone who quotes an eminent English jurist as having said that "the public good is in nothing more essentially interested than in the protection of private property". I would like the House to consider these words: "Public good is in nothing more essentially interested than in the protection of private property". That is what I call an astounding and amazing statement—that the highest public good is the

[Shri Jawaharlal Nehru]

protection of private property, more than everything else. I do submit that not only we should not agree to it but we should reject it summarily and absolutely—such a statement—whoever might have made it.

Shri Chatterjee goes on to say that no one shall be arbitrarily deprived of his property. I agree completely. Who is doing so? Is this arbitrary deprivation of property? Firstly, the law does not do it. Secondly, the law lays down rules and regulations on the principles of compensation. Where does arbitrariness come in? I mention this because quite unnecessarily people do not see what is being done and I regret even some people who write in newspapers do not see exactly what is being done and they write about things without understanding the purport of them. They talk loosely and use these words: expropriation, confiscation, arbitrary action. There is nothing of the kind any where.

Then, Shri Chatterjee has referred to the United States Constitution in this respect. Now, the United States Constitution is a great document, but I do not think it is quite appropriate to compare it with our Constitution or to compare our Constitution with it or to say that our Constitution is based on it. Of course, we have taken a good many things from it and many more things from the Constitution of the United Kingdom. But, nevertheless, our Constitution is neither the Constitution of the United Kingdom, much less of the United States. The whole basis of the United States Constitution dates back to some time of the 18th century. It is not obviously a very recent document. It represents the idea of the fathers of the American Constitution and the American nation at that time and they produced a very fine document, but for us to consider it in another country, in India, in the middle of the 20th century is hardly a reasonable proposition.

So, I should like Parliament to remember these basic things. Here is something that is being proposed which in effect is clarifying, elucidating, the Constitution and bringing it completely in line with what the makers of the Constitution intended. Unfortunately, they did not do so in clear enough language, and therefore the courts have interpreted it differently. So, firstly, it is a matter of elucidation. Secondly, it is wrong to say that we are suggesting any arbitrary action, any confiscatory action or any expropriatory action. In fact, the Constitution has said that there should be compensation by law. But it is true that the quantum of compensation will be determined by the legislature. I cannot say offhand what in a particular case the legislature might do. But, by and large, if you have to govern this country democratically, you have to trust the legislature not only in this but in a hundred other matters of far greater moment. This legislature might decide on some far-reaching change affecting, well, the question of war and peace—a tremendous thing. Surely the Supreme Court will not decide that. It may decide technical questions in other ways which directly or indirectly will even affect property, planning, and all kinds of things may be done which will have a powerful effect on our social structure and economic structure and everything. But it is the legislature's will in such matters that is bound to prevail. There is no way out of it. To single out this question of the compensation to be given to property and to take it out of the purview of the legislature in the sense of somebody else revising the legislature's decision seems to me a basically wrong approach, unless of course you think that property is something semi-divine and that the protection of private property is to the largest good of the nation which obviously hardly any one today can say.

I venture to place before this House this simple amendment which, I am

glad to say, is an improvement in the Select Committee, and it is simpler and clearer. I should imagine that there is really not much room for argument left. After all, it is a simple provision.

Now, I do not know how one has to deal with the fears and apprehensions. There is no remedy for fear except the absence of fear. Today, in the larger context of the world, nations are afraid and because they are afraid they often say and do the wrong things, afraid of each other, and things get worse. I do not know what we shall do about it in the international sphere. It is true perhaps that some people in this country, may be some outside, have got all manner of apprehensions. Also sometimes it is said that "well, it is all right in the present Parliament but what about other Parliaments?" "It may be all right in the present Government". In fact, Shri Chatterjee himself has hinted darkly at the picture of the time when this Government may be no more. I am glad that Shri Chatterjee appreciats the virtues and values of this Government. Now, at any time, for us to think of a distant future, a distant time as to what may happen is not a very useful or profitable occupation at any time, much less so at the moment when it has become a truism to say that the world is in a state of great transitional stage. All those kinds of things may happen. Even if we manage to escape big wars, other enormous changes have happened and may happen,—technological changes which are changing the structure of society, as it happened when the industrial revolution came and when it changed the whole relationship of human beings. The whole thing changes, everything. The idea of property changes with the coming of the technological revolution. It is changing. Now, these enormous technological changes are taking place and their pace becomes hotter and hotter—atomic energy and the atom bomb. I am not thinking in terms of war now, for the moment. But atomic energy is releasing enormous forces which are bound to change and which are changing human life.

In this tremendous age, to think in a static way and to imagine that property has exactly the same place in human life as it used to, means that you have stopped thinking at all. So, these apprehensions and fears appear to me completely unjustified. There is nothing to be apprehensive about in this world. Far bigger and far greater things and disasters might suddenly confront the world and in this context for somebody to be afraid of some mill or plant of factory being acquired, seems to me to be a thing completely out of proportion. So far as this Government is concerned, so far as I am concerned, my mind is perfectly clear on this subject. Mind you, I have no respect for property. I have no respect for property at all except perhaps some personal belongings. I respect the other person's respect for property occasionally; that is a different matter. But I am speaking—the House will forgive me—in a personal sense; I have no property sense. It seems a burden to me to carry the property; it is a nuisance. In life's journey one should be lightly laden; one cannot be tied down to a patch of land or building or something else. May be, I cannot quite appreciate this tremendous attachment to property—the property sense. But, while not appreciating I realise and recognise it is there. But, anynow, I think the proposition that some hon. Members on the other side advanced about acquisition or confiscation without compensation seems to me a basically wrong proposition from the point of view of the public good—not from love of property or anything like that. It is basically a wrong proposition. In a particular case if a person misbehaves that is a different matter. I am talking in the broad sense: I do not want anything to be acquired except—normally speaking—on payment of just compensation.

I need not refer to any foreign capital here. I am always surprised to hear this proposal being put forward

[Shri Jawaharlal Nehru]

repeatedly: confiscate or expropriate foreign capital. Anything which is more unthinkable, unthought of and unrealistic—I cannot imagine; it has no relation to reality—this kind of thing—quite apart from what we may do within our country. Because no country—I say and I repeat—whether it is socialist or communist or any other country that may arise, except in a thunder of war or revolution which is a different matter—things happen there not because of law or decision but because of forces which are at motion—no country does that to a foreign country. I am quite certain that the Soviet Union will never do it in regard to any foreign capital that may be there; it will never do it because it affects one's relations—international relations. No country wants to break its international relations or its credit in the world by doing this kind of thing in order to save some money—a few crores or a few millions. It is an unthinkable proposition; it is not done in international society except as I said during huge commotions when nobody knows what may be done. In Soviet Russia—leaving the revolution aside—the Soviet Union has had dealing with other countries and it has developed a reputation of always honouring its word—financial word. Sometimes, other countries had not done so in Europe but the Soviet Union has. It is very careful about preserving that reputation. Let us not talk about this mater of trying to get rid of it by suddenly expropriating foreign capital or anything; that is not worth it. We are not such a poor country as to go about indulging in these tactics and losing the good will and the credit of the world and may be, having a feeling of wrong doing in our minds and hearts.

Even in regard to our own country, when we consider any large scheme involving may be land, or may be anything, wider considerations come in. We deal with the zamindari system; we deal with other schemes relating to land. Sometimes, this is referred to as a scheme of social engineering and all that. One can understand that; it becomes quite impossible to deal with the situation in the normal way of land acquisition or actual property. We cannot do that; we cannot acquire the whole land in that way. It is not possible. Therefore, one has to go in graded ways; one has to find out something of your capacity to pay. And then it is graded. That is, if you acquire the property, as we had done in the zamindari cases, the relatively poor zamindar gets full compensation—hundred per cent. The other person may get about 80 per cent. the third 70 and the fourth 60. As you go up this grading is perfectly justified. Even Mr. Chatterjee agrees to that...

Shri N. C. Chatterjee (Hooghly): I object to the word 'even'.

Shri Jawaharlal Nehru: There is no trouble there. But take the other cases. Let us see to the industrial ventures: other things—banks, this, that and the other. We are acquiring the Imperial Bank; we have decided and so far as I know we are paying pretty full compensation in whatever form it may be. I am not going into morals or into the practical aspect of it: it is not worthwhile. It does not pay. It injures one not to do so. You save a little money here and there. It will be completely wrong in the case of what may be called the small owners not to give them full compensation. Small owners—I am talking about them. I am surprised that Mrs. Chakravartty in her note—I do not know whether it is she or Mr. Chatterjee;...(*Interruptions*). I am sorry to mix up the two—has thrown a hint that we are out to harm the small owner. I do submit that it is practically an unfair charge. Nobody can do it; how can we—this Parliament and this Government? Because the power is given to the legislature. Can one conceive this Parliament or even any other legislature to go out to harm the small owner? Even the petty self-interest of the average Member will shout out against it, if nothing else.

Take the big owners. I am talking about industrial property—plants and the like. My approach to industrial plants and the like is that the Government should never acquire anything—any old plant—unless for the purpose of planning or for the purpose of holding some strategic point, we have to acquire it. Why do I say that? I have said that previously too, perhaps in a different context. Because whatever we are—we are an under-developed country, industrially speaking; we want to industrialise the country; we want hundreds of factories to go up—should I not use all the available resources at my hand to put up new factories—State factories—instead of acquiring old—may be worn out—plants of somebody else? I just do not understand it.

I am not going to acquire anything unless it comes in the way of my planning. That is a different matter. But the idea which is sometimes put forward by some hon. Members opposite that a kind of a general scheme of nationalisation would bring about great advance in the matter of equalisation, socialisation and all that is I think not correct. It will not. It is always bound to be by some drastic steps of equalisation. Whether you succeed or not is another matter. That drastic equalisation in that way simply means equalisation of the lowest stage of poverty. That is not good enough. We want to raise our country's standard and yet to bring about this equalisation and try to go towards as egalatarian society. The whole idea of nationalisation, of this plant and that, does not come into my picture at all except that when our planning requires some measure, that is to say to take possession of a strategic point which comes in the way, the State should control it. Otherwise the State should go ahead and build up the State plants. The public sector becomes bigger and more and more important and there is more and more production, letting the private sector advance at all times. But if the public sector is nibbling and eating into the private sector, there is no total advance, even though there might be some advantage from the social point of view, because you are losing your resources, shifting one factory from the private to the public sector. Unless that is desired and required by overwhelming reasons, I would not do it.

The House will forgive me, I am often talking about atomic energy and the likes. Because I wish people to realise how the whole basis of our future industrial living paterns may be affected. I have no doubt that just in the same manner as it was affected with the advent of steam and later electric power, we are having something like atomic power in the next ten, fifteen or twenty years which again may make a vast difference to the running of all our factories and other things. Well and good. This is another reason why I should not go about wasting national resources in mere acquisition of property when I can build other plants and other things.

Therefore, these questions do not come up. And if we have to acquire property I think we should pay just and equitable compensation. I am talking about individual properties. Normally there may be a number of rich men interested—there are here and there—but many of these properties, big properties, are limited liability companies with a large number of small shareholders. We do not wish to deprive them. So that, all this apprehension and fear is completely misplaced, and it ignores not only existing conditions in India but the probable future line of advance.

It is true that inevitably if we have our way—when I say "we" I am not talking about myself nor even of the Government, but of this Parliament and I think of the overwhelming opinion of this Parliament and of the people—we go towards a socialist pattern of society. Inevitably it means building up the public sector. The private sector remains. The private sector always remains, I say. Because the private sector includes—as

[Shri Jawaharlal Nehru]

I reminded the House, it includes—cottage industry, so many things. That itself is a huge chunk of the activity in this country. And it may include some big industries too. I do not know twenty years later what will happen. But the dominating feature will be the public sector. And the planning will be for the public and private sector. The private sector will have to function within the ambit of that plan too

In all these approaches we talk about, many words we use, good words, socialist pattern of society; we talk about industrialisation, removing unemployment, higher standards—all good things. May I put it somewhat differently, that the thing that is really necessary is somehow to activise and dynamise the base of the Indian social structure? I want you to appreciate this phase. The approach from the top has to be made. The top has to function. But there has been too much thinking of activising from the top all the time, that is activising the top layers of society. It has to be activised, and it activises other layers. But you do not solve the problem unless you activise this base of Indian society, which means millions and millions of villagers, millions of workers and small earners, unemployed people on the land; this is the base of Indian society. If you merely grapple with it from the top, what happens? By that you gradually draw away people from that bottom into the middle layers, which is a good thing. You activise them, and gradually this domain increases, of people who are being activised. But the base, fundamentally the tremendous base of Indian population is not affected. Therefore, while you do this from the top, which we have to do, you have to think in terms of affecting that vast base. Once you activise and make it dynamic to some extent, the progress of India would be rapid. Going from the top all the time, progress would be there, but not rapid. If I may, with all respect, refer to Gandhiji, his view always was to activise the lowest strata. What way you should do it, we need not go into that now. The bottom, the base of Indian society, that is the real thing. The view of many of our leading people, able people, interested in industry and others, is that it somehow starts from activising the top and seeping down to the bottom. I am not criticising this, but I think that the emphasis and the outlook has to change. It has to be from the top, of course; we have to do it; but we have somehow to activise this base. And in activising this base one may have to take numerous social steps of all kinds. To approximate this and so as not to have the big gap between the top and the bottom, all these things have to be done. So that, that is the basic approach, not the approach of acquiring or depriving somebody of his property and seizing it, and thinking you are doing good to the people because you are not paying compensation. I am entirely opposed to that.

So I would plead with this House that this particular amendment of the Constitution removes a slight obstacle that had come in our way, clears the path for us, as far as we can see at the present moment, to go ahead with these vast schemes of planning, etc., that we shall have to undertake, and is one which is eminently suited not only for this House and the Parliament to accept but also for the people to accept.

Mr. Speaker: Motion moved:

> "That the Bill further to amend the Constitution of India, as reported by the Joint Committee, be taken into consideration."

I have received notices of amendments for circulation. The amendments of Mr. V. G. Deshpande and Mr. Vallatharas are identical. One wishes to have the opinion by 31st July, the other by 1st August.

Shri Vallatharas (Pudukkottai): I am not moving the two amendments standing in my name. I have submitted a chit to the Chair.

Mr. Speaker: That clarifies the ground. So I need not say anything about this amendment.

As regards the amendment of Mr. V. G. Deshpande. I do not think that amendment is in order.

Shri V. G. Deshpande (Guna): May I make a submission?

Mr. Speaker: There is no case for a submission now, for the simple reason that the hon. Member may refer to rule 323 of the Rules of Procedure. I will give him a chance to make his submission later, but let him first hear me. He moved an identical amendment when the Bill was introduced and there was a motion for reference to Select Committee. Perhaps the date was 1st July and not 31st July. When I say indentical, I mean substantially identical. And that was negatived by the House. Nothing new has happened after the report was submitted or after the date when the amendment was negatived which would justify a further recirculation. In such circumstances, it is for the Chair to decide whether it should propose the question or not. I will not propose this question because it will be an unnecessary repetition of the whole thing that he said last time. Has he got to say anything now?

Shri V. G. Deshpande: My submission is this. The motion that I had placed was regarding the Bill as it was presented to the House. The Leader of the House while moving the motion said the Bill has been improved. In fact, it is not an improvement, but a radical change in the original Bill. I submit that the difference between the Bill that was presented to the House and the Bill as it has emerged from the Joint Committee is the difference between chalk and cheese. They are radically different.

I wish to make a submission about the change. In article 31(2), in the present Bill, the change is that no such law shall be called in question in any court on the ground that the compensation provided by the law is not adequate. In the first Bill, there were two categories enumerated where the provisions cannot be challenged in a court of law. According to the Bill as has emerged from the Joint Committee, Article 31 can be completely removed from the statute. When such a radical change has been made, it has not been before the country. Previously it was argued that the Bill had been before the country for six months. This change has been made after I had made my first motion for circulation. This has a much wider application. I submit to the Chair that in view of the change, my motion is in order.

Mr. Speaker: All I can say is that I do not feel convinced by the hon. Member's argument. I am not proposing that question.

Shri Vallatharas is not moving his amendments. Then, there is an amendment by Shri Sadhan Gupta.

Shri Sadhan Gupta (Calcutta South-East): I am not moving it.

Mr. Speaker: That disposes of all the motions. We will now proceed with the consideration motion which Shri Jawaharlal Nehru has moved.

Shri A. K. Gopalan (Cannanore): On behalf of the Communist Party, I rise to extend my support to this Bill. Though we have got criticisms about it, though it is late, it is a measure in the right direction and it is a right step. We may say that it is halting and half-hearted. I shall show why we say that it is halting and half-hearted, afterwards. I am glad that the Government has realised that a certain change in the property relations which have existed in this country has to be made. It is due to that realisation that Government has brought forward this Amending Bill.

Social justice demands that everybody must have an opportunity to work and to live. The Constitution also accepts this principle. So, if there is anything in the Constitution that stands in the way of the people having the right to work and live, that has to be removed. There are those who oppose this Bill taking shelter under the fundamental right to property and demand that a fair compensation must be given to the Princes and to the big landlords

[Shri A. K. Gopalan]

also. We have to make it clear that we are entirely opposed to giving compensation to the big landlords and the Princes. At the same time, we want to make it clear—I shall make it clear later—that we are not opposed to compensation being paid to those who will need it, to compensation being paid to the small property holders who have no other means, or who cannot live only by the other means. I shall try to explain that later.

[PANDIT THAKUR DAS BHARGAVA *in the Chair*]

All I want to say is that we want to make drastic changes in the property relations in this country so that the right of the ordinary man to work and live cannot be questioned. There should be nothing in the Constitution to hinder this drastic change in the property relations. Our approach to the problem of constitutional guarantee to property right is that it must be restricted to the property owned by men of small means, who do not use that property for exploiting people in a big way. What we say is that compensation should be paid to them and the amount of compensation should be left to the discretion of the legislature and should not be questioned by a court of law. This does not mean that we have no respect for the Supreme Court. In several cases, the Supreme Court has upheld the civil liberties of the subject when the executive made encroachments on the civil liberties of the subject. What I say is that it is only the representatives of the people, the legislature, that can decide what changes are to be brought forward for the economic progress of the country. If there is anything that hinders the economic and industrial development of the country, certainly some steps have to be taken. It is only the legislature that can decide what are the steps to be taken.

I want also to prove one other thing. The other day, the Prime Minister, in a public meeting came out with the declaration that eviction is a crime. It was a bold declaration. Eviction is a crime. It is continuing. It has been there for years together. Today, the court cannot upheld the rights of the man who tills the land. There is the right of the landlord for that property. That right is there and that right is guaranteed. But the right of the man who has got the land and who tills the land can be questioned in a court and the court also cannot uphold this right. Some months ago, in Madras, the Tenancy Act has been passed: a small legislation by the Madras Government giving some right to the tenant. This Act has been questioned in the High Court on the ground that it has given fixity of tenure to the tenant and it enable fixation of fair rent, that is deprivation of *jenmi* right without compensation. The Tenancy Act has not taken away the property right. But, it has stated that there must be a fixation of the rent. It is provided that if a property is held by a tenant on payment of money or crops and if he is asked to pay more, an officer will go into the question and decide what is the reasonable rent. This is only a legislation giving fixity of tenure and enabling the fixing of reasonable rent. If the landlord wants the land to cultivate it for himself or by others, he can own the land. But, where he does not want it, then only fixity of tenure is given. When an Act like this is passed by the legislature, it is questioned in the law court on the ground of fundamental right to the property that the owner has and it is said that nobody has a right even to pass a legislation like the Tenancy Act where fixing of the rent is allowed, the renewal fee is abolished and fixity of tenure is granted. If the Tenancy Act passed by the Madras Legislature is declared invalid by the order of the High Court, then lakhs and lakhs of peasants who are to be bound by it will be deprived of their right to work and their right to give only a reasonable rent.

There are those who oppose this Bill in the name of small owners. They

say that there are small owners in this country who will be affected. The Mover of this Bill does not say that the small owners must be deprived of their means of livelihood. I want also to make it clear once more that the Communist Party says that if either the Parliament or the State legislature makes any law depriving a small owner of his right and his means of livelihood, certainly the Communist Party is opposed to it and we will fight for it.

1 P.M.

But we want to know about certain categories of persons. For instance, in Madras there is the Raja of Challapalli. He has got Rs. 18 lakhs as compensation, when the zamindaris were abolished, he has got other properties also, and he is a very rich man. He has got 17,000 acres of land after that. If those 17,000 acres of land—or 20,000 acres, or whatever it may be—are to be taken over, is it contended by those who oppose this Bill that some compensation must be paid to such persons?

I shall give you one other example. In Malabar, there are the forests and the forest lands in the Western Ghats. Near the Eastern Ghats also, so many acres of such lands are there. These lands are in the hands of *jenmis*, and they have got the property right. If today those lands are to be taken over, is it necessary to pay compensation to those people? I would ask, what right is there for the *jenmis* to say that they must be paid compensation for those lands. For after all to whom do these lands belong? If we are to pay compensation, then we would be paying compensation not to those men, but we would be paying compensation to the Western Ghats. We do not want to pay compensation to those forests and forest lands. They are the natural wealth of the country. The *jenmis* have not acquired it by their efforts. They have not invested their money on it, or purchased it from anybody. What is their relationship with these lands? If the *jenmi* has got some right to that property, likewise everybody else also has got that right, because it is the wealth of the Western Ghats, it is the wealth of nature, and anybody has a right to it. So nobody has a right to say that if those forests and forest lands, of which the *jenmis* are not the owners, are to be taken over by Government and made use of for the good of the country, full compensation should be paid. That is not only incorrect but it is also a crime to say like that. If on the basis of this amendment it is decided that compensation must be paid in the case of those forests and forest and other lands, then I say it is not paying compensation to the man, but it is paying compensation to the Western Ghats; it is paying compensation to nature, because nobody has a right of his own to that property. The right to the property is of those who are working on it, or who are owning it after giving some money and purchasing it. There is no such thing in the case of these lands.

If in the name of fundamental rights, simply because the property has been there in their hands since nine years ago, you say that full compensation must be paid, certainly we are opposed to it. We say it is morally, politically and socially incorrect, and therefore we say that no compensation should be paid to these *jenmis* and other such landlords.

I want to make one other point also clear. We have got certain criticisms about this Bill. The first criticism is that we cannot change the Constitution always. When we want to make some amendments to the Constitution, we have to make them in such a way that after some time when something happens Government will have the power to see that something is done. As far as possible, we should see that provisions are made to meet certain contingencies that may arise in the future. Now what are those contingencies that are likely to happen?

I shall cite the case of coal mines and plantations in this connection. We

do not say that all the coal mines and plantations should be taken over without compensation. But we find that there are those coal mines which even after the warning given by Government do not care for the welfare of the worker or for the industry. There are certain establishments today that work against the interests of the country, against the economic progress of the country, and they hinder the development of the industry. Certain legislations have been passed by this Government, such as the Factories Act, the Industrial Disputes Act, and certain other Acts. But they do not apply these Acts. They do not care for these Acts; they do not care for the workers. They want to close down the factories for as much time as they like.

If a contingency arises when Government feel that certain establishments have to be taken over for the development of the industry, for the progress of this country, then certainly they have a right to take them over without compensation. We say so because those who are the owners of those properties do not care for the welfare of the people who are working there, or for the welfare of the country; they do not also care for the interests of the country as a whole. If Government feel that a situation has arisen when these industries have to be taken over for the development of the country, we say that they have to take them over, and no compensation should be paid for that. because we find taking the profits that they have earned, they are more than 10 times, 50 times or even 100 times the capital that they have invested. Now their only interest is to get as much money as possible. Their only interest now is to make as much profit as possible. Their interest is not the welfare of the workers or the progress of the industry. They do not want to plough back the profits also.

When Government find that a situation arises when there are certain establishments or industries which have to be taken over by them in the national interests, then certainly they have to take them over, and no compensation should be paid. From the point of view of the people and from the point of view of the national interests, if such properties are taken over—which, as I said before, in some cases do not belong to the persons concerned—certainly it is not undignified if we pay no compensation to them. There are lakhs and lakhs of people who want to get those lands and work on those lands. If certain constitutional provisions do not allow Government to take over those lands and give them to those people who want to work on them, certainly Government have a right to see that the obstacle is removed, and they must do it.

I would also like to draw the attention of the Prime Minister to one other point. He said some time back that there are many big houses and palaces belonging to the princes that are lying vacant. They are lying vacant because there is nobody to live in those places. Take the case of Bombay, for instance. In Bombay it is said that there are 3 lakhs of people who have no houses and who are living on the roadside. Not only are there no houses for the people to live in, but there is lack of accommodation for institutions like colleges, schools hospitals etc. When there is lack of accommodation for these institutions and the people, and at the same time there are some big houses owned by big landlords and princes, that are lying vacant, certainly it is the duty of Government to take them over without compensation. I would say that it is those people who have to pay compensation because it is they who were keeping it vacant and without allowing it to be used for housing institutions like hospitals, schools and other things.

In such cases where there are big houses which are lying vacant for years together, if a contingency arises when Government find that they have

to take them over, certainly Government must have a right to take them over without compensation.

Mr. Chairman: Before the hon. Member proceeds further, I would like to take the sense of the House, so far as the question of apportioning of time is concerned. Ordinarily in the case of Bills no time-limit is fixed. But at the same time I find that a very large number of Members are anxious to speak. I have received the names of about 25 persons. Therefore, in the interests of having a very good debate with a very large number of Members taking part in it, I think if the House agrees, 20 minutes may be fixed for the leaders and 15 minutes for the ordinary Members. Otherwise, in a Bill like this, every Member can speak for an hour, and in that case I will be able to put in only two or three Members. If the House likes, we may enforce this rule.

Some Hon. Members: Yes.

Shrimati Renu Chakravartty (Basirhat): No.

Shri K. K. Basu (Diamond Harbour): No.

Some Hon. Members: No.

Shri N. C. Chatterjee: I would request that I may be given at least half an hour. I am pleading for it, because the hon. Prime Minister has honoured me by referring to my Minute of Dissent, and I have got to deal with that thoroughly. It is not fair if less time is given.

Mr. Chairman: In a matter like this, I would not like to be guided by individual references, because if I am in my seat, I would like to say I want an hour. Other Members also might like to have more time. I would rather like that in a matter like this, let us have a uniform rule. It will be better if the rule that we are adopting already, namely 20 minutes for the leaders and 15 minutes for the other Members, is adhered to now also. In proper cases, when an argument is going on, and an hon. Member is making a very good point, it is very unusual for the Chair to interrupt any Member. But in such cases, more time has been allotted and will be allotted. But at the same time, taking it as a whole, I should think it will be wise for us to adopt this rule. If the House agrees, I shall adopt it.

Some Hon. Members: Yes.

Shrimati Renu Chakravartty: May I submit that you use your discretion and ring the bell when you find that the person is not speaking properly?

Mr. Chairman: The first thing that I have to do then is to tell the hon. Member Shri A. K. Gopalan that he has already taken about 20 minutes, and that he may kindly be as brief as possible.

Shri A. K. Gopalan: Then I want to ask, what about the fallow and waste lands? Suppose a landlord has got thousand and thousands of acres of fallow land and waste land that is not cultivated, that has not been cultivated for years together, and he does not want to cultivate it in future also. According to this, we have to take that over only with compensation. There are some people who follow the 'dog in the manger' policy, who do not use the land, nor do they want to give it to others. In many parts of the country today, there are people fighting for lands, they want to cultivate the lands. If today, they enter such land, in order to cultivate that land which has not been cultivated till now, then according to the Constitution, the law certainly takes them into jail. So the Government has immediately to see that all these fallow lands in the country are taken without compensation, because the Government will not be able to pay compensation, and there is no rhyme for paying compensation.

As far as property right is concerned, I have already explained the position. If they say they have their property and they have a right, I ask,

[Shri A. K. Gopalan]

what right. We should not forget the right of millions and millions of people in this country to live. They have a right to work and live. There may be some individuals who may say that they have got a right to have it. When they say that they have got a right to have crores and crores, then there is a conflict between the right of a handful of people in this country for property and the right of millions and millions of people in this country to work and live for themselves.

I am not going into details about the fundamental rights, because I know I cannot argue and if I try to argue on the fundamental rights and the legal points, Shri N. C. Chatterjee will not leave me. I do not know about it and I do not want to argue about it. But as a layman, what I think is that when we speak about fundamental rights, we should not forget the millions and millions of people in this country who want today to live. There are certain hindrances in the Constitution which deprive them of this most important right, which is a fundamental right. If there are other rights also, they should be subordinated to this most important right. I do not want to go into details and give figures. We know that there are crores and crores of acres of waste and fallow land in this country. There are forests. The Government are not able to take them over because they have to pay compensation. Even this amendment will not enable Government to immediately take over these lands and give them out to the peasants. There are in the country several places; a reference was made to this matter a month back—I do not want to go into it as it is a separate question. But today the peasants are not able to get even land belonging to the Government, fallow land. If this is the case, what will be the position with regard to other lands? I do not say it is in terms of 10 acres or 50 acres. As far as Malabar is concerned, there are in the hands of some *jenmis* about 80 lakhs of acres of waste and fallow land altogether of which 60 lakhs belong to *jenmis*. Even if the Tenancy Act that is passed is questioned in the court, then certainly Government will not be able to do anything for the people, the Government will not only not be able to do anything for the people but they will also not be able to work for the progress of our country economically and culturally.

So my point is that except clause 31(1) all the other clauses should be deleted and the Government must have the power to decide compensation. The Government also must be clear in their mind that compensation is not paid in all cases, that compensation is paid only in the case of small property owners who do not use it to exploit others in a big way.

This is all I have to say. I have once again to say that the Government have taken a right step in a right direction, though it is halting, though it is not full. Some amendments have been tabled by us and I certainly wish Government would consider them. I support this Bill.

Shri Frank Anthony (Nominated-Anglo-Indians): I am speaking on this amendment with a heavy heart. I do not regard myself as a regular Member of the Opposition Party. I have always sought to approach every matter in this House in an objective and, I hope, in a rational manner. Sometimes, I know that I have been critical of the Congress Party and on other occasions, I believe I have supported them rather unreservedly.

Shrimati Renu Chakravartty: Don't be apologetic.

Shri Frank Anthony: I am not apologetic. My lady interruptor will have realised a little while ago how completely non-apologetic I can be to the congress and more so to the communists.

Shrimati Renu Chakravartty: Oh! We know about it. We are very glad.

Shri Frank Anthony: I am sorry that the Prime Minister is not here. May I say this that I believe—much perhaps

to the chagrin of my communist friends—that by and large, the Congress Party, at rate, in my opinion, stands for the survival of democratic values in this country as opposed to the brutalised savage despotism of communism? When the Constitution was being framed, there was a heartening climate of co-operation and of tolerance. There was a mood of consultation and, because of that, I think the Constitution represented really the essence of the corporate wisdom and experience of the Constituent Assembly. I say it with regret that that mood of tolerance and of consultation has gradually receded. Today, more and more I see the Government and the ruling party working to the maximum the principle that right is their monopoly and that wrong is the hall-mark of those who do not grovel abjectly to every opinion, every utterance that falls from the holy of holies of the Congress party. More and more, I feel with regret, political life is being orchestrated by a blind, uncritical acclamation of everything that may fall from the Treasury Benches. I am one of those who believe in the democratic way of life and I believe that in this country there are many who will always have the courage of their convictions, and the courage to express them.

Sir, my arguments are not going to be conditioned by barren legalism. I pointed out when I spoke before this Bill was remitted to Select Committee that only a purblind reactionary would stand in the way of the end of achieving a socialist Welfare State. I believe that we can only retard—I agree with the Prime Minister completely in this point of view—the pace of achieving an egalitarian society at the risk of revolution and of communism. I made it clear that if article 31 or even if any of the judicial interpretations by the courts stood in the way of achieving a Welfare State, those obstacles should be removed. I stated clearly that article 31-A should be made as wide and as comprehensive as possible, that it should include every element, every aspect, of property which might be taken without compensation, which the Government considered necessary in order to achieve their Welfare State. I made every concession; I say today that I am prepared to make every concession regarding article 31-A for achieving a Welfare State. The Government may put in the element of property into article 31-A which they may take for a public purpose without the necessary compensation if the Government think it necessary. But after that, I say this, that every element of property that you include in article 31-A must be scrutinised meticulously to see that it is necessary to be included in article 31-A, because every exception that you include in article 31-A is an abrogation *pro tanto* of a fundamental right. That was the point I was emphasising, and I do not want to be mistaken about it. I say, yes, in article 31-A take the fullest amplitude of powers in respect of aquiring without compensation, but, at the same time, you must square article 31-A with the paramount rights of the citizens.

What has happened to the measure as it has emerged today? It is a completely different—it is not only a completely different, but it is a totally opposite—measure. When this measure was before the House, there was not the slightest hint that Government intended to abrogate the right to property. There was not even the remotest suggestion that 31(2) was going to be done away with. What has happened? Government never told us that in order to achieve a welfare State the right to property is to be abrogated and that is precisely what has been done. All that we were asked to do was to enlarge the power in 31A, to clarify the position with regard to regulatory powers in 31(2A). That is all that we were asked to do. But the measure as it has come back to us from the Select Committee is a totally different measure. That is what I do not think—I say it with all respect—the Leader of the House has understood, when he is asking the House to abrogate the right to property. It is nothing but a verbal

[Shri Frank Anthony]

and a legal quibbling to suggest that the right to property is still there. The right means two things so far as property is concerned. First, it must have some compensation, some amount of indemnification and there must be rules to settle the remedy. In 31(2A) you are even ousting the jurisdiction of the courts. To use a legal phraseology, it is nothing but a fraud on the Constitution, and an attempt to delude the people to suggest that you are retaining the right. You are, in fact, completely abrogating the right to property; the property right of all persons is being completely abrogated.

Shri C. C. Shah (Gohilwad-Sorath): That is a wrong interpretation.

Shri Frank Anthony: That is a sensible interpretation, that is a plain and simple interpretation which anyone who knows anything of law or who knows anything of English must accept. There is no right. Right means just this. A recognition of the sanctity of the right to property means two things. Under law it means that if it must be taken for a public purpose there must be compensation. Now, we are taking away the element of compensation. I say the right postulates much greater elements. It postulates the right to vindicate. There cannot be a right unless you have the right to vindicate. Today you place it in the hands of every crook-backed and mountebank politician that you flash across the political scene and say it is right to property. What I am saying is that the right to property is being completely abrogated, destroyed and completely affaced and no one in his right senses, who knows the English language or who knows a modicum of law can suggest that the right to property has not been completely destroyed. This amendment of 31(A) ,as it has emerged from the Joint Committee destroys completely the right to property. There is no right at all.

Then, we have this 31(2A). I don't think it was Government's intention to give blanket powers of expropriation. As I have said, 31(2) means nothing more than plain, simple confiscation and expropriation. There is complete ouster of the jurisdiction of the courts. There is no question of compensation. To use the word compensation here is nothing but a contradiction of terms. I am not saying it will be done. I am talking of basic, juridical concepts. The Prime Minister was saying, "who will do this, who will do that?" I know the Prime Minister won't do it. I know that the Congress Party won't do it. But, the Constitution was meant to rise above persons and personalities. It was meant to be something permanent and it was meant to give to the people of this country eternal safeguard. As I said, I won't mind the Congress Party being in power for 500 years. After 10 or 15 years you may go out and other parties who are committed to political vandalism may come into power and they may do it. It is against the vagaries of such parties that we want to have the safeguard and you are giving this constitutional right.

What is the compensation? I say to use the word "compensation" sabours of sharp practice. You take the property of a rich man, all right. I am not pleading for the rich. They will not be expropriated because they have much too much influence. But a poor man may own a house worth Rs. 5000. You may give him Rs. 5/- under 31(2) which is inadequate compensation. He cannot go to court. And, then, you tell me that the right to property has not been abrogated.

Shri R. K. Chaudhuri (Gauhati): Completely.

Shri N. P. Nathwani (Sorath): Does it still retain the character of compensation?

Shri Frank Anthony: That is precisely what I am saying that it is a contradiction in terms. If 31(2) had been left in the form in which it was originally put I would have absolute-

ly no objection to it because the Supreme Court gave a specific connotation that such compensation must be just compensation. That is the form in which we remitted it to the Joint Committee. Now, it has become inadequate compensation, Rs. 5 instead of Rs. 5000. There is no degree of inadequacy; that is what we have done. You have stultified the compensation clause completely and you have also ousted the jurisdiction of the courts. To say now that there is the right to property, is to caricature the Constitution, to make a shoddy cartoon of what it was intended to be. That is what you are doing today. You specify inadequate compensation and you deliberately oust the jurisdiction of the court and yet say that you are leaving the right to property. That is a travesty of what the framers of the Constitution intended under this provision.

Then, under 31(2A) you give blanket rights of expropriation. As I said, it was never the Government's intention, perhaps, that you should give this impression. I think Government's intention was to clarify its regulatory powers. I will give the Minister in the Ministry of Law an example. Let the Communist Party come into power in Travancore-Cochin. They may legislate and say that all the property which belongs to the Congress Party shall vest in the communists in the interest of the public. They will invest it with a colourable public purpose and the Courts will not go behind it because the Courts have declared that if the Legislature says that it is a public purpose, we will accept that. They take no interest in the property, they do not take the property, they take no beneficial interest in the property. They can thus completely circumvent the provisions of 31(2A). They can expropriate by this circuitous device and there is no remedy.

Mr. Chairman: Will not the question of public purpose be gone into by the courts?

Shri Frank Anthony: To a very limited extent because the courts have said that they will give due weight to the opinion of the Legislature and if the Legislature says we are handing it over to a party which is working for the people, because they are serving the public purpose—they may invest it with a colourable public purpose—the Courts may not seek to go behind it.

Mr. Chairman: The courts will have to go into if the Legislature does not do its duty properly. If they do not do it, then God protect the people.

Shri Frank Anthony: That is precisely why I have moved an amendment. I have tabled an amendment in two parts. I say that you must say categorically the public purpose. Don't leave it to courts to import public purpose under the present conditions. The Supreme Court conceded that they are very chary of going into the public purpose. They are quite clear in that and they are right. They say that if the Legislature says that in their opinion it is public purpose, the Court will be very chary to go behind it. That is why I ask, why leave this loophole. A *mala fide* legislation can be passed under colour of public purpose. Then I have also said that there is a clear lacuna, under 31(2A) the State Legislature may expropriate people. The Communist Party may come into power and they may.....

Shri M. P. Mishra (Monghyr North-West): They will scrap this Constitution before they come into power.

Shri Frank Anthony: They may not be able to scrap the Constitution but they may be in a majority in the State Legislature and they can circumvent 31(2A) and they can expropriate and hand over the property to some one else under the guise of public purpose.

Mr. Chairman: There is no power under 31A to do it.

Shri T. K. Chaudhuri (Berhampore): There is probably some confusion in the mind of the hon. Member.

Mr. Chairman: There is no question of public purpose there. There is no such purpose at all so far as 31A is concerned.

Shri Frank Anthony: I was saying that it was never intended under 31(2A). There is this safeguard that under 31A all the legislation must be reserved for the assent of the President. That is some safeguard; that does not apply to 31(2A). My fear is this. Any State Legislature may in fact expropriate. There is no provision or safeguard that it must be reserved for the assent of the President and that is why I have given this amendment that under 31, first of all, there must be public purpose and for all legislation under 31 you must have this safeguard of reserving it for the assent of the President. At least let the people know that in all such legislation there is always the brake of assent being applied through the President.

I wanted to speak for some time more. I may just say this, that in trying to push through this amendment, the Congress Party is doing disservice to the country. As I have said, why not amplify 31A to your heart's content? But in changing 31(2) you are doing two things; first of all, you are destroying the rule of property and—in my opinion it is worse—you are completely undermining the rule of law. Regarding this constant extension of the Ninth Schedule, here again I do not say that it is intentional. More and more the legislatures and the executive, because of their impatience and sometimes of their intolerance, are seeking to enlarge the areas of executive jurisdiction. They are seeking to restrict the *pari passu* jurisdiction of the court. That is an unfortunate and a retrograde sign. In an insidious kind of way you add an Act to the Ninth Schedule every time the legislature feels that they should oust the jurisdiction of the court, every time that they should prevent the citizen from approaching the court. It is a *sub rosa* process. You come here and almost surreptitiously add to the Ninth Schedule and in this way you are eroding the rule of law and you are ousting the jurisdiction of the court. It is quite wrong. If the Congress Party steadily erodes the rule of law, if the Congress Party steadily erodes or ousts the jurisdiction of the court, then God help democracy in this country. We are now beginning to stick the roots of democracy, but every time because of legislative impatience or executive intolerance you gradually oust the jurisdiction of the court or the rule of law. What is going to happen? Therefore, that is an earnest plea I am making to the Treasury Benches. I would only say this. I would ask the Minister to consider carefully withdrawing this change to 31(2), to enlarge 31A as much as he likes and with regard to 31(2A) to bring in specifically the condition of 'public purpose' and to have the safeguard of the assent of the President.

Shri T. K. Chaudhuri: I rise to take part in this debate with a certain amount of trepidation, for I have no hesitation in confessing that I am no constitutional pandit. But going through all these amendments and the relevant judgments, I have certain doubts in my mind, which I like the whole House to consider.

Article 31(2) has been amended or sought to be amended several times and different terms have been used with regard to expropriatory legislation at different times. As 31(2) stands today, no property can be taken possession of or acquired. The terms used are "taken possession of or acquired". In the original Bill, as it stood before reference to the Select Committee, the terms used were "No property shall be compulsorily acquired or requisitioned by the State" Now, the clause that we have before

us, as suggested by the Joint Committee, the terms are the same "No property shall be compulsorily acquired or requisitioned". Then in 31(2A) this term is sought to be defined as meaning "the transfer of ownership or right to possession of any property" to the State or to a State-controlled or State-owned corporation. I am not very sure why these sorts of changes in definitions and their meanings were given at different times. The Prime Minister was very much confident that the language of the article as it stood originally was not very precise and did not carry out the intentions of the founding fathers of the Constitution. He was, of courses, one of the founding fathers and you, Sir, were also one amongst them. You can certainly enlighten us about those intentions, but so far as the present language or the terms and meanings that have been introduced are concerned, it seems to me that again a reference will be made to a court of law with embarrassing consequences. There is nothing in this amending Bill which will prevent courts from stepping in and obstructing your social welfare legislation if they want to. I do not have much time, but the report of the Joint Committee says that these definitions have been introduced to bring out the distinction between "compulsory acquisition and requisitioning of property for public purposes" and "deprivation of property rights by operation of regulatory and other laws". Therefore, the clause has been sought to be interpreted to cover the transfer of ownership or right to possession of any property to the State, etc. What intrigues me is the meaning that may now be put by the courts on these terms "transfer of the ownership or right to possession of any property". The meaning of "acquisitioning and requisitioning of property" has been defined in terms of these words, but what interpretation would the courts put on these two latter terms? You must have known that celebrated case which is known as the Dalziel's case in Australia. There, the word 'acquisition' was used and Mr. Justice Mahajar has said...

Shri N. C. Chatterjee: He quoted Mr. Justice Rich.

Shri T. K. Chaudhuri: He quoted Mr. Justice Rich and pointed out—

> "With great respect I am unable to accept the narrow view that 'acquisition' necessarily means acquisition of title in whole or part of the property. It has been rightly said that a close and literal construction of constitutional provisions made for the security of person and property deprives them of half their efficacy and ends in a gradual depreciation of the right as if the right consisted more in sound than in substance. In other words, such provisions cannot be construed merely by taking a dictionary in hand. The word 'acquisition' has quite a wide concept, meaning the procuring of property or the taking of it permanently or temporarily."

But here again, I find another equally eminent Judge, Mr. Justice Patanjali Sastri, saying that these terms, "acquisition or taking possession." all these things, cannot be precisely defined and no conclusive interpretation can be put on them. I shall just refer to the opinion of Justice Patanjali Sastri given at page 99 (Supreme Court) of the All India Reporter, February, 1954, where he says:

> "To say that acquisition implies the transfer and vesting of title in the Government is to overlook the real nature of the power of the State as a sovereign acting through its legislature and executive organs to appropriate the property of a subject without his consent."

He further goes on to say:

> "When the State chooses to exercise such power, it 'creates' title in itself rather than 'acquire'

[Shri T. K. Chaudhuri]

> it from the owner, the nature and extent of the title thus created depending on the purpose and duration of the use to which the property appropriated is intended to be put as disclosed in the law authorising its acquisition. No formula of vesting is necessary. As already stated, in the case of moveable property no formal transfer of vesting of title apart from seizing it could have been contemplated".

Suppose, the question of interpreting those particular terms goes to the court and the court holds that no formal transfer of the title deed of ownership to the State is necessary, the mere fact that the State decides under the authority of law, to somehow or other deprive some of the ingredients of property, some of the incidence of property of a property without formal transfer of title or possession, then what happens? Immediately it becomes "compulsory acquisition and requisition" within the meaning of article 31(2A) and you have to pay some sort of compensation.

Now, Sir, I do not agree, and I cannot agree, with the interpretation of Shri Frank Anthony that articles 31(2) and 31(2A) are in the nature of completely expropriatory legislation. I would submit that here also the language used leaves much scope for wide variations of judicial interpretation. "No law shall be called in question in a court on the ground that compensation provided by that law is not adequate". It is said so in article 31(2). But what if the law is called in question on some other ground? There is nothing to deprive the courts of the right to that. The amount of compensation cannot be called in question on the ground of its being inadequate. But the rest of the safeguards are there and it can very well be called in question if the court chooses to decide it in that way.

Sir, I need not go further, but it seems to me that it will be all right if we simply keep article 31(1) as it is, and drop the rest, because there is no necessity of providing compensation as a matter of fundamental right In Great Britain also, as you know, there is no specific guarantee in the Constitution. They do not have a written Constitution and yet nobody can say that Britain has expropriated the capitalists. Similarly, there are other countries, for example, communist China. It may not be known to many people here that although the Constitution of the People's Republic of China does not guarantee property as such and do not provide for any compensation, but at the same time, in the new Constitution that has been adopted this year, not only property but even capitalist private property has been given Constitutional guarantee. Of course there is no clause where compensation is provided. If they are expropriated, compensation might or might not be provided as legislature might decide. Similarly in Britain, the whole power rests with Parliament. There, it depends upon the policies that are followed by the Government of the day. Here also, I find that Shri T. T. Krishnamachari, when he intervened in the debate the other day, more or less said something like this, So, what is the objection in dropping the provisions relating to payment of compensation i.e. 31(2) and 31(2A) etc., excepting 31(1)? That question I want to put to the hon. Minister. Of course, Shri T. T. Krishnamachari was not pleading for expropriation. He was really pleading for payment of full compensation and he said that the Congress Government is under the burden of certain moral obligations, that Government functions under a monetary economy and in a monetary economy just and full compensation has to be paid compulsorily. The Government in his opinion have no other option. He said:

> "Therefore, to say that governmental action, or Government's policies are related to the Constitution has really no significance.

A Government of this nature, a Government returned to power by a Congress Party, has to be bound by moral obligations, more than anything else, and the realisation of those obligations and the imperative necessity of fulfilling those obligations will remain the guiding principle of the actions of this Government, Constitution or no Constitution, amendment of the Fudamental Rights or no amendment of the Fundamental Rights".

If he can say this, what is the objection in dropping these particular clauses with regard to the right to compensation? We do not hope that a Government committed to these principles will go forward to expropriating capitalist private property or make any kind of inroads on the right to private property without compensation if these clauses are dropped. But we may hope that if this is done, then some future Government may come and it may if it chooses open the way to unrestricted and unhampered progress towards a genuinely socialistic pattern of society about which we hear so much.

Shri N. P. Nathwani: I rise to support the Bill as it has emerged from the Select Committee. The change made by the Select Committee is an important one. They say that while they leave the question of compensation to the legislature, the right of the court to review the same should be taken away. In other words, they have made the quantum of compensation a non-justifiable one. Therefore, it is not possible to canvass the legislative judgment in a court of law. I shall presently deal with one or two legal aspects of this question. But before doing so, I would like to deal with some of the objections which have been raised by my friend, Shri N. C. Chatterjee, in his Minute of Dissent. His objections are three: he says that this change will have a deleterious effect on small property holders. Then he proceeds to say that this will destroy the sanctity of private property and lastly he says that there would be no safeguard against legislative despotism. I shall deal with all these objections one after another.

I first take the question of legislative despotism. The hon. Member, who is an eminent jurist knows fully well that in our Constitution in respect of several matters there is no protection provided against what may be called legislative tyranny. The hon. Member knows that several questions were raised in the case of Subodh Gopal Bose and Mr. Justice Das asked several questions while considering the protection which has been given in our Constitution against the exercise of police power by the State. For instance, does our Constitution give any guarantee against deprivation of property by legislature by exercising its right of taxation? None, whatsoever. Is there any protection against deprivation of personal liberty? None, except the skeleton procedure provided under article 22. Is there any protection against deprivation of life? None whatsoever other than the requirement of procedure which the legislature itself may establish by passing a law. The unanimous decision was that in respect of deprivation of property by exercise of police power our Constitution gives no guarantee whatsoever. Therefore, the best guarantee that a people can have against legislative despotism can only be a free and intelligent public opinion. So, in this respect, we are not doing something unusual or something not to be found in our Constitution.

Then I come to the question of sanctity of private property. Now this concept must vary with the time and state of the society and its needs. With the march of our economic revolution, our old and narrow notions of private property must necessarily change and in this connection I want to read out a passage from the judgment of Mr. Justice Das in the case of Subodh Gopal Bose. The hon. Member has referred to several quotations from the judgment of various

[Shri N. P. Nathwani]

eminent judges. That is why I feel prompted to read this passage from judgment of Mr. Justice Das. His Lordship says:

> "It is futile to cling to our notions of absolute sanctity of individual liberty or private property and to wishfully think that our Constitution-makers have enshrined in our Constitution the notions of individual liberty and private property that prevailed in the 16th century when Hugo Grotius flourished or in the 18th century when Blackstone wrote his Commentaries and when the Federal Constitution of the United States of America was framed. We must reconcile ourselves to the plain truth that emphasis has now unmistakably shifted from the individual to the community. We cannot overlook that the avowed purpose of our Constitution is to set up a welfare State by subordinateing the social interest in individual liberty or property to the larger social interest in the rights of the community."

But I was surprised when I read that my friend has dubbed the Directive Principles in our Constitution as mere platitudes. My hon. friend knows that they are fundamental in the governance of our country and a duty is cast on the legislature to apply them in framing the laws. But he says that the Directive Principles are mere platitudes.

Then I come to the third aspect. He says that this would hurt the interests of small property owners. Actually as the Bill as has emerged gives more protection or safeguard to the holders of small agrarian properties than it was thought necessary to give in the Bill as it was introduced in this House. But, as the Prime Minister has explained at length the purpose of utilising this Bill would be, if and when occasion arises of acquiring industrial concerns, and not of small individual properties. And when such occasion arises, the property of large industrial or commercial undertakings which are taken over would on analysis be found to contain the attributes which are analogous to those of properties in land in a feudal society.

I now come to the legal implications of this provision. I am merely looking at it from a legal aspect and not from its practical point of view. We have provided that no such law can be challenged on the ground that the law gives inadequate compensation. It is necessary to read the very wording: "on the ground that the compensation provided by that law is not adequate."

Now, it is admitted on all hands that if you do not give any compensation you can challenge that Act. Even if there is a fraud on the Constitution, that is, while purporating to lay down some principles of compensation, if the result is to give no compensation, then also you can challenge this Act. But still the question remains whether you can challenge the Act on the ground of gross inadequacy of compensation or not. Take a hypothetical case. You give merely 20 or 30 per cent. of the market value of a property that is sought to be acquired. Can, then a man not go to the court and say that his grievance is not that compensation is not adequate, but that the compensation is very inadequate, it is very small? Now, there is a distinction,—at least there appears to be one to me; to say that compensation is not adequate is one thing; to say that compensation is grossly inadequate is another thing. Therefore, the court has been given some discretion in the matter and the court can say that the particular law goes beyond the scope of legislative power.

The same question can again be looked at from another angle. Suppose you provide only 20 per cent. Then again a man can say and make a grievance that what is sought to be

given to him is not compensation, because we must not forget that under this amended clause (2) what has to be given is compensation, though it may not be quite equivalent to market value, still, nevertheless, it must be compensation. It must have the characteristic of compensation; only if it is not quite equivalent or just equivalent of the market price, then you can say that compensation is not adequate. Therefore, I do not think that the legislature has been given an absolutely free hand in the matter of determining the compensation. It is very difficult to say ultimately what view may be taken by the highest court.

2 P.M.

I come then to a very important question. We have provided that the law cannot be challenged on the ground that compensation is not adequate. But so far as the power of the State for acquisition is concerned, we have got entries 33 in List No. I, entry No. 36 in List No. II and entry No. 42 in List No. III. The power of the legislature is confined within the narrow sphere of these entries. While here in article 31(2) we have relaxed the severity of the limitation placed on the State to acquire property, we have not made any corresponding change in entry No. 42 in List No. III. Article 32, sub-clause (2) now permits the State to give compensation which may not be adequate. Still, the powers of the legislature are confined within the limits of entry No. 42. In two cases, the Supreme Court has held that what has to be paid under entry No. 42 is full market price, and even though you lay down principles under it the court will interfere and see that what is provided is compensation, namely, full market value. Therefore, though the law may not be challenged on the ground that compensation is not adequate, still I am afraid it can be successfully challenged on the ground that it exceeds the legislative competence of the State. If we remember the facts in the case of Maharaja of Dharbhanga, the points which I am trying to make out will be appreciated. In this case, the validity of some provisions of the Bihar Land Reform Act had to be considered. You know that, that Act was made unassailable both under clause (4) of article 31 and articles 31A and 31B. Therefore, there was no question of providing compensation whatsoever. Still the majority view in that case was that it exceeded the power of the legislature under entry No. 42. I am drawing the attention of the House to this particular case because the case fell within sub-clause (4) of article 31 which uses the same language that such a law cannot be challenged on the ground that it contravenes the provision of article 31, sub-clause (2). Still the Court went into the question and decided that it was a colourable exercise of power. Therefore, I am afraid that there is a serious lacuna in this Bill and though I am aware that such an amendment of Entry No. 42 would require the ratification of one half of the States, and therefore if it cannot be amended at this stage, it should be amended at the next earliest opportunity.

Take for instance clause (5) of the Bill. You have placed there three displaced persons' rehabilitation Acts. These three Acts are in the same position in which the Bihar Land Reform Act was. Because some of the provisions of this Act led to a reduction or negation of compensation, the Supreme Court held that they were *ultra vires*. The purpose of including these three Acts would be defeated because under all these Acts, it has been provided that the price that should be given should be the price which had been prevailing in 1939. It is a well known fact that the prices have since increased enormously. Therefore, the principle, namely, that the price should be the price as of an anterior date that is, the price prevailing in 1939 would be a colourable exercise of power—this principle and the validity may be successfully challenged.

I want to say one word about article 14. In my opinion there is no

[Shri N. P. Nathwani]

justification for excluding its operation from clause (3) except of course in respect of item (a) which relates to the acquisition by the State of any estate or of any rights therein. This is the present law. I do not wish to go back so far as sub-clause (a) of clause (1) is concerned and the Exemption of article 14 may continue. So far as other properties are concerned, we should not apply article 14. I do not see any reasonable justification for excluding its operation. A law can be made applicable even to a person provided there is reasonable basis for such classification. It is only a question of devising your law in a suitable manner. Otherwise, I am afraid that we are whittling down a very important and valuable guarantee which is contained in article 14.

Dr. Krishnaswami (Kancheepuram): No one who has given thought to the Constitution (Amendment) Bill as it has emerged from the Joint Committee can fail to notice the radical changes that have been effected, changes which have to be taken account of and approached in a spirit of realism. Parliament is called upon to decide on an issue of vital movement and it is my hope and expectation that we would succeed in approaching this question without being swayed by passions, or extremists of either the left or the right.

What are the changes made in this Bill? What are the consequences—legal consequences that flow from the changes that have been effected? What are the new and added responsibilities that devolve on the legislatures and Parliament?

The Bill before it was transmitted to the Joint Committee envisaged a clear distinction between two categories. One category related to those types of property which could be curtailed in the interests of society but which could not be questioned in a Court of law on the ground of full compensation not being given. There was another category which was left untouched probably with good reason and to which the original article applied. Some hon. Members argued that in the original Bill as presented to this House an attempt was made to discriminate between two types of property. Land and agriculture, under 31(a), according to them, was placed in a disadvantageous position. I have not been able to appreciate the validity of this argument and I have good reasons for suggesting that that criticism was essentially of a superficial character. This argument that they were placed in a special category cannot be sustained because this category was removed from the purview of courts. You cannot, for instance, rehabilitate refugees on steel or cement. You had to rehabilitate them on land. Indeed the judgment of the Court in Bela Banerjee's case acted as a total restraint on social progress and this necessitated the inclusion of land for housing refugees in article 31(a).

I do not think it is necessary for me to enter into an elaborate interpretation of what the Bill was before it was sent to the Joint Committee. I wish that it had been possible to categories 31(a) more precisely, I wish it had been possible to retain the basic structure of the Bill as it was before it was sent to the Joint Committee. But the Joint Committee in its wisdom has made a momentous change. I wish this House would consider calmly the implications of the Bill as a whole instead of approaching it in a spirit of passion or exclaiming that we are promoting a great experiment in social progress by doing away with a guaranteed right.

What is the issue before this House? Do we want a guaranteed right or do we not want a guaranteed right? This question cannot be evaded even if we wish to do so. No one need over-emphasise the importance of a guaranteed right. But

if we wish to have a guaranteed right, it must be real. If we do not wish to give it content let us transfer it to the region of moral directives or Directive Principles and let us have at least the assurance that moral restraints would operate on the legislature.

Sir, in this connection I should like to refer to Sir B. N. Rau's note which was submitted to the Drafting Committee early in 1947. He pointed out that it was difficult in a Constitution, where there was a Cabinet form of Government, for fundamental rights to have an easy time. In the course of a long and scholarly note, this was what he stated and I am quoting from it for the purpose of educating ourselves. This is what he stated:

> "The other difficulty, namely, that of devising effective protection for the Fundamental Rights defined really arises out of the difficulty of definition already postulated above: Where a right can only be indicated in broad terms, there is obviously a risk in allowing it to be enforced in the ordinary courts because there is no knowing how broadly they may interpret it. There are at least three courses possible in this connection. One is to take this risk and allow the rights however imperfectly defined to be enforced in the ordinary courts; secondly, to allow the right more easily definable to be enforced in the ordinary courts and to get certain exceptions out of their purview, and thirdly, to set out the rights merely as moral precepts for the authorities concerned and to bar jurisdiction of the Courts either expressly or by implication."

We took the risk of having these rights adjudged by Courts of law; probably the risks of a broad interpretation materialised. Probably judicial interpretation has led in many cases to the paralysing of social objectives. So we decided to follow the second course mentioned by Sir B. N. Rau and in the original Bill, we sought to make certain exceptions to the Fundamental Rights and keep them out of the purview of our Courts.

Now what is the plan of the Bill as it has emerged from the Joint Committee? Something radical has been done and I think it is best that this House should know what it is doing before it pronounces its opinion on the validity of the measure that has been placed before us. It will be agreed that in so far as judicial interpretations tend to act as a total restraint on social progress, this House is one with the Government in its desire to relax the restraints on the legislature.

Let me dismiss the argument advanced by my friend who has just preceded me that there is still a substantial guaranteed right of property in our Constitution. There is not. Much play was made of the fact that the courts could go into the question of whether the compensation paid for property acquired was illusory or was a fraud on the Constitution. In one case the courts can go into the question of compensation, and that is where payment is nil. But where compensation paid is not zero and where some payment has been decided upon then the question whether it is illusory or not is linked up with the question of inadequacy, and the courts according to the amendment are debarred entirely from entering into it.

Therefore, what is it that remains? It is best to realise that the guaranteed right is illusory. Once we have decided to cross the rubicon, and do away with guaranteed right, what can justify the retention of article 31A? What is the purpose of allowing it to remain? Why should it have been introduced as an exception to article 31? To provide against

[Dr. Krishnaswami]

challenges being made against laws passed under 31A on the ground of their possibly infringing articles 14 and 19 seems to be hardly necessary in view of article 31 (2) having been amended. For one thing, articles 14 and 19 were pendants to article 31, in the cases that went up to the Supreme Court. In these cases the suitors came forward with the argument that they were discriminated against and unreasonably classified, and thus obtained less compensation. Hereafter, no question of discrimination in the matter of payment can be urged by any suitor in a court of law, and hence article 14 will not be attracted.

Under article 19, as we all know, the right to hold property in any case is subject to reasonable restrictions. The power to take over managements of companies, I take it, will be exercised by any Legislature under conditions laid down by law. These conditions, if reasonable, cannot be challenged in a court of law; and generally they would be weak challenges, even if they are made.

As for picking and choosing enterprises, we must remember that every enactment has to take into account categories for the purpose of classification, and when this is done what is the challenge that is likely to be made in any court of law? Indeed acting under the impulse of abundant caution the draftsmen of this measure have gone much further in providing great safeguards for the executive and delimiting the liberties of the subject much more than they should have done. I am not suggesting that the present Legislatures will abuse this power. But the Constitution after all is the supreme law and holds good not only during the tenure of this Ministry, but also during the tenures of succeeding Ministries, and can one be sure that in the future abuse of power will not occur. If we wish to have anything like a guaranteed right we must take all this into account.

What I fear is that in all these things we have not gone the whole hog as we should have. Sir B. N. Rau, as I said, referred to moral precepts. I believe that if once we have decided to make the guaranteed right almost zero or to make it something approximating to vanishing point, the case is much stronger for transferring it to the Directive Principles. And I say it would be most appropriate to transfer it to the Chapter on Directive Principles. This morning as I was listening to the Leader of the House making a very powerful speech in favour of fair compensation, in favour of fair compensation for those enterprises which had been taken away, I wondered whether the time had not arrived when at least some moral restraints should operate on our Legislatures.

This clause, as it is worded, is extremely bald. The intention of a clause is inferred from the terms in which the clause is worded. It seems to give a direct invitation to people to give inadequate compensation in every case, to deny fair compensation in every case. The language of the clause is most unhappy. I wonder whether the draftsmen could not have devoted more attention to at least bringing that clause into conformity with what the Prime Minister has said, namely that there should be some fair compensation given to those whose properties are taken away. But that is a different matter.

What I do suggest is that if we at least put it in the Chapter on Directive Principles, there would be a possibility of certain moral restraints operating, of people at least feeling that they should exercise their minds over this question. After all, what have we done? Today we have said that the judiciary cannot decide on the quantum of compensation that is to be given to other people. We have also gone a step further and said "we are willing to give a fair

compensation". And therefore you have to understand that when we are considering this question of compensation the Legislature is forced to take upon itself the role of being practically a judiciary when it comes to determine questions of compensation. I therefore feel that if we are going to have in the future, at any rate, these things really worked out properly, we must see that some of these moral restraints at least operate on our society.

I am not one of those who is inclined to think that we are going to face a very great crisis in our country. I do not for a moment suggest that we would face the danger of expropriation—though no doubt there are dangers of expropriation from other succeeding governments. But what I would like to place before my hon. friends of the Congress party and of other parties as well who have given thought to the development of our country is not to approach the question from a tactical point of view. Fair compensation is not an issue which can be easily avoided on the ground that only a few are being expropriated. No, Sir. Fair compensation is bound up also with the basic questions of economic development and economic progress.

The basic premise of the Avadi resolution—I want my friends in the Congress party to correct me if I am wrong—the basic premise of the Avadi resolution is that there should be increasing production and an increasing sharing in the fruits of such production. There is to be room in the future for an increasing public sector and an increasing private sector. If it is felt that there is not going to be a fair climate, if it is felt that fair compensation would be the exception rather than the rule, then investment will dry up. I am not suggesting that the present guaranteed right has been a very great magnet for attracting investment. But that, after all, may be one of the numerous factors which may lead to increased investment. That may not have been so very important. But to rush to the other conclusion that just because there is no guaranteed right, therefore we can do whatever we please with these rights of property, is to commit a very great fallacy.

Let hon. Members realise that the people can think that the people can debate that the people who invest will have to be given a certain measure of security; because after all when you are putting a premium on savings, when you are suggesting that people should invest much more than in the past, you have to bear in mind need for giving fair compensation in the event of their properties being acquired.

May I make a suggestion? I wish the Prime Minister would get in touch with his colleagues, the Chief Ministers in different States and tell them that in their anxiety to promote social progress they should not forget that fair compensation should be given to people whose properties are acquired. If this is ignored, apart from its being morally improper, the Avadi resolution will strangely enough received a death-blow from its most devoted adherents.

श्री एम० पी० मिश्र : सभापति जी, मेरी समझ में नहीं आता कि इस बिल के विरोधी आज इस सदन में वह लड़ाई क्यों लड़ रहे हैं जो लड़ाई कि वह आज से तीन साल पहले ही हार चुके हैं। एक हारी हुई लड़ाई को फिर से हारने में क्या लाभ है? १९५१-५२ में जब चुनाव हुआ था उस समय कांग्रेस ने जो अपना चुनाव घोषणापत्र पेश किया था उसके आधार पर जनता ने कांग्रेस को इस सदन में और हिन्दुस्तान की तमाम राज्यों की विधान सभाओं में भेजा है। उसी घोषणा पत्र में वह बात दी हुई थी जिसको अमल में लाने के लिए आज संविधान में परिवर्तन किया जा रहा है। यह कांग्रेस सरकार की लाचारी है, क्योंकि उसी ने यह बात तै की थी कि जब

[श्री एम० पी० मिश्र]

कांग्रेस सरकार बनावेगी तो देश में जो सबसे बहला और सबसे महत्त्व का काम करेगी वह यह कि वह भूमि व्यवस्था में सुधार करेगी। और सभी को मालूम हैं कि उसी काम को करने के लिए संविधान में यह संशोधन किया जा रहा हैं। इसी काम के लिए यह संशोधन लाया जा रहा हैं। कांग्रेस के नेता इस बात को जानते हैं और मैं भी जानता हूं कि इससे हमारे कुछ साथी परेशान होते हैं, लेकिन अब कांग्रेस यह कदम पीछे नहीं हटा सकती। यह काम उसको करना होगा क्योंकि भूमि व्यवस्था के सुधार का काम न सिर्फ हिन्दुस्तान के लिए बल्कि सारे एशिया के लिए सबसे बड़ा काम हैं, और अगर यह काम नहीं होगा तो यह सरकार क्या यह संविधान भी नहीं रहेगा। अगर यह भूमि सुधार का काम पूरा नहीं हुआ तो देश की आजादी को और देश के भविष्य को खतरे में पड़ने से कोई नहीं बचा सकता। खतरों के बादल आज देश को चारों तरफ से घेर चुके हैं, वह दुनिया भर में गरज रहे हैं। यह खतरा तानाशाही का हैं, कम्युनिज्म का हैं, जिसको मैं मानवता का सबसे बड़ा शत्रु मानता हूं।

अभी यहां पर एक बहुत बड़ी बहस चल रही हैं कि जनता का सम्पत्ति रखना तो एक मौलिक अधिकार हैं। लेकिन हमारे प्रधान मंत्री ने बताया, और प्रधान मंत्री की बात तो जाने दीजिए, एन० सी० चटर्जी साहब तक ने अपने नोट में जोरदार शब्दों में इस अधिकार को मौलिक अधिकार नहीं कहा हैं। उन्होंने मौलिक अधिकारों का नाम बार बार लिया हैं और उनको गिनाया भी हैं। उन्होंने गिनाया हैं अधिकार जिन्दगी, अधिकार धर्म, और भी बड़े बड़े अधिकार उन्होंने गिनाए हैं, लेकिन उन्होंने सम्पत्ति के अधिकार का नाम नहीं लिया हैं। उन्होंने कहा हैं कि ये व्यक्तिगत अधिकार होने चाहिए, ये मौलिक अधिकार हैं, लेकिन जब उनको व्यक्तिगत सम्पत्ति का नाम लेना था तो उन्होंने लिख दिया कि "दूसरे दूसरे अधिकार"। संविधान को देखिए तो उसमें पहले नागरिक अधिकारों को दिया गया हैं जैसे बोलने का अधिकार, सभा करने का अधिकार, लिखने का अधिकार, और आखिर में यह व्यक्तिगत सम्पत्ति का अधिकार गिनाया गया हैं। इसके क्या मानी हैं? अब समय बदल चुका हैं और इस पर भी एक बड़ी बहस हो सकती हैं कि क्या सम्पत्ति का अधिकार भी कोई मौलिक अधिकार हैं। आज के जमाने ने यह कह दिया हैं कि सम्पत्ति का अधिकार कोई मौलिक नहीं समझा जा सकता। फिर भी हमारे संविधान ने इस बात को स्वीकार किया हैं कि वह एक मौलिक अधिकार हैं, लेकिन हर मौलिक अधिकार पर संविधान ने कुछ बंदिशें लगा दी हैं, और इस अधिकार पर भी कुछ बंदिशें लगाई हैं। और जब यह देखा गया कि उन बंदिशों के बावजूद भी हमारा काम आगे नहीं बढ़ रहा हैं तो उन बंदिशों को और भी मजबूत किया जा रहा हैं। बस इतना सा ही काम हैं।

यह सब को मालूम हैं कि सारे देश में, करीब करीब हर राज्य में जमींदारी प्रथा का अन्त कर दिया गया हैं। लेकिन जमींदारी प्रथा का अन्त करना तो भूमिसुधार की दशा में श्रीगणेश मात्र हैं। उसके साथ ही साथ यह भी जरूरी हैं कि देश में जमीन का ठीक से बटवारा हो। इसके बारे में बहुत ज्यादा बहस की गुंजाइश नहीं हैं। क्योंकि इस बात को भी कांग्रेस ने पहले ही अपने चुनाव घोषणापत्र में कह दिया था। और यही आवडी के प्रस्ताव का मंशा हैं। लेकिन हम आवडी के प्रस्ताव को क्यों लें, हमने इसी सदन में यह फैसला किया हैं कि इस देश के समाज का निर्माण हम समाजवादी ढंग पर करेंगे। जो प्रस्ताव हमने इस सदन में पिछले नवम्बर महीने में पास किया हैं यह उसी प्रस्ताव का तकाजा हैं कि हम संविधान में इस संशोधन को कबूल कर लें। यह मानी हुई बात हैं कि इस देश में भूमि की व्यवस्था ठीक करनी हैं। भूमि व्यवस्था के बारे में जब बात आती हैं तो यही सीधी बात आती हैं कि जमीन का बटवारा हो। एक बहुत बड़ा आन्दोलन इस काम के लिए आचार्य विनोबा भावे चला रहे हैं। मैं समझता हूं कि उस आन्दोलन का उद्देश्य तो पूरा हो गया। उसका उद्देश्य यही था कि देश में

भूमि वितरण के लिए लोकमत तैयार कर दिया जाए। इससे ज्यादा मैं उससे अपेक्षा नहीं रखता। मैं नहीं समझता कि वह सारी भूमि को लेकर उसका वितरण कर सकेंगे। यह सारा काम उनके आन्दोलन से नहीं हो सकता। इसके लिए तो सरकार को, संसद को और राज्यों की विधान सभाओं को सामने आना होगा। और इसी लिए सरकार सामने आई है।

देश में कुछ लोगों के पास बहुत थोड़ी जमीन है और कुछ लोगों के पास बहुत ज्यादा जमीन है। मेरे अपने ही राज्य में जहां कुछ लोगों के पास चालीस हजार और पचास हजार एकड़ भूमि है वहां दूसरों के पास बहुत कम है। क्या यही समाजवादी ढांचा होगा? किसी के पास एक एकड़ भी भूमि नहीं है और किसी के पास ५०,००० एकड़ भूमि है। मैं ने सुना है कि हैदराबाद में कुछ लोगों के पास लाखों एकड़ भूमि है। तो हम इस विषमता को किस प्रकार मिटा सकते हैं? आप जानते हैं कि जब जमींदारी प्रथा उठाई जा रही थी तो यही सवाल सामने आया था। सूबा बिहार में हाईकोर्ट ने और बाद में सुप्रीम कोर्ट ने भी यह कहा कि यह जो जमींदारी प्रथा हटाई जा रही है यह सार्वजनिक काम के लिए हटाई जा रही है इसमें उन्हें शक है। और इसी आधार पर जो कानून हमारी राज्य सरकार ने बनाए थे उनको रद्द कर दिया गया। और इसी के कारण, और और भी कई अदालतों की कार्रवाई के कारण संविधान की धारा ३१ में संशोधन करना पड़ा था। आज फिर संविधान में संशोधन करने की आवश्यकता आ पड़ी है। इसका कारण यह है कि प्लानिंग कमीशन ने फैसला कर दिया है, राज्य सरकारों ने फैसला कर दिया है, कांग्रेस का यह फैसला है और सरकार का भी यह फैसला है कि हम जमीन का बटवारा करेंगे। जमीन के ऊपर एक सीमा लगानी होगी कि किसी एक परिवार के पास कितनी जमीन होनी चाहिए। इस विषय पर बहस हो सकती है। लेकिन मैं समझता हूं कि इस पर भी बहस हो चुकी है और फैसला हो चुका है। इसके लिए यह कानून पास करना जरूरी है। अगर ऐसा नहीं होगा तो देश की प्रगति नहीं हो सकेगी। हम एक पंचवर्षीय योजना को पूरा कर रहे हैं और दूसरी पंचवर्षीय योजना तैयार हो रही है, और हम चाहते हैं कि हम कम से कम समय में अपने देश को आगे बढ़ावें। हमको देश का नया निर्माण करना है। लेकिन अगर हमको एक एक मुकदमे में चार चार बरस लग जाएंगे तो हमारा यह काम कैसे पूरा हो सकेगा।

मेरी यह समझ में नहीं आता कि आखिर लोग संसद के अधिकार और प्रतिष्ठा को अदालत के अधिकार और प्रतिष्ठा से कम क्यों समझते हैं। ब्रिटेन में तो वहां की पार्लियामेंट सर्व-सत्ता-सम्पन्न है। यह तो मैं भी मानता हूं कि समाज में अदालतों की आवश्यकता है। मैं उनकी इज्जत करता हूं। एक लोकतंत्री सरकार के लिए, एक प्रजातंत्री समाज की स्थापना करने के लिए न्याय का विशेष महत्त्व है। लेकिन यह मेरी समझ में नहीं आता कि अदालतें जनता की राय पर फैसला कर सकें और जनता की राय से ऊंची रहें। यह जो हमारी संसद है और जो राज्यों की विधान सभाएं हैं वे जनता की राय पर यहां आई हैं और मैं समझता हूं कि न्यायालयों को उनसे ऊंची जगह नहीं मिलनी चाहिए। हां, संविधान में जो उनको अधिकार दिए गए हैं वे उनको मिलने चाहिए। संविधान में तो यहां तक कहा गया है कि एक खास विधि से यह संसद संविधान को भी बदल सकती है। तो मैं समझता हूं कि जिन लोगों को संसद में और विधान सभाओं में विश्वास नहीं है, वे लोग वैसे लोग हैं जिनको लोकतंत्री राज्य प्रणाली में विश्वास नहीं है। अगर ऐसा नहीं है तो उनको इस संसद में और राज्यों की विधान सभाओं में विश्वास रखना चाहिए।

मैं भी इस बात को मानता हूं कि धारा ३१ ए० में जो संशोधन किया जा रहा है उसकी कोई जरूरत नहीं थी। धारा ३१ में जो संशोधन किया जा रहा है वही काफी है। यह ठीक है कि हमारी सरकार के सामने अभी सिर्फ भूमि सुधार का ही कार्यक्रम है। देश में जो औद्योगिक या खानगी सम्पत्ति है उसको लेने का उसके सामने कोई लक्ष्य अभी नहीं है। हमारे प्रधान मंत्री ने इस बात को साफ कर दिया है। लेकिन

साथ ही हमें नहीं भूलना चाहिए कि देश उसका होता है जो देश के उत्पादन के साधनों को अपने हाथ में रखते हैं। तो इस देश में यद्यपि किसान और जमीन बहुत बड़े साधन हैं लेकिन उससे देश का धन, देश की सम्पत्ति बहुत थोड़ी पैदा होती है और जो कारखाने हैं उनमें ज्यादा धन पैदा होता है। और इसलिए कारखानेदारों और कारखानों पर अथवा जो खानगी उद्योग हैं उन पर नियंत्रण रखना, कंट्रोल रखना बड़ा आवश्यक है। लेकिन मैं समझता हूं कि रोज रोज संविधान में संशोधन करना कुछ उचित नहीं लगता। फिर कल को हमें कोई जरूरत पड़ जाए तो हम फिर संविधान में तबदीली करें और उसको बदल दें, तो यह बात अच्छी नहीं लगती है। काफी सोच समझ कर और एक दूरअंदेश नीति बना कर संविधान में परिवर्तन होना चाहिए। आज हो सकता है कि देश के पूंजीपति, देश के कारखानेदार सरकार के साथ सहयोग कर रहे हों, कल को वह सहयोग न करें और नियंत्रण को न मानें और संविधान में तबदीली करने की जरूरत पड़ जाए। क्योंकि एक बात तो माननी होगी कि जिनके हाथ में दौलत है, जिनके हाथ में कारखाने हैं, उनके हाथ में बहुत बड़ी ताकत होती है और कभी कभी राजनैतिक ताकत से भी उनकी ताकत अधिक बढ़ जाती है। और उस अवस्था में जाहिर है कि हम देश को उनकी मरजी पर नहीं छोड़ सकते, उस दिन हमें कुछ कारखाने लेने पड़ सकते हैं, राष्ट्रीयकरण की नीति हमें अपनानी पड़ेगी, तो क्या उसके लिए अलग से फिर हमें संविधान में संशोधन लाना होगा और तरह तरह की दिक्कतें होंगी या फिर सुप्रीम कोर्ट और हाईकोर्ट के फैसले का इंतजार करना होगा, इसलिए मैं समझता हूं कि आने वाले समय पर नजर रख कर ३१ ए को हटा देना चाहिये। और ३१ में जो संशोधन हैं उसको इस सदन को स्वीकार करना चाहिए।

Shri N. C. Chatterjee: I am glad that the hon. Prime Minister is back to the House. I do maintain that it was rather unfair, if not unkind, on the part of the Prime Minister to remind us that he has a big majority behind him on this Bill. It is no good flinging a sledge-hammer majority on the Opposition.

What is the exact purpose why these Fundamental Rights were introduced in the Constitution? What is the purpose of a declaration of rights. I am sorry the Prime Minister, overburdened as he is with multifarious duties and problems had not the time to go through my Minute of Dissent ; and when he was reading it here in the House, there were two Ministers troubling him. I am making a sporting offer that if he reads my Minute in his own room free from his Ministers, Deputy Ministers and Parliamentary Secretaries, he will be convinced that there is good deal of sense in what I have written.

Shri Jawaharlal Nehru: May I just inform the hon. Member that I have gone through it three times, and if he sees it he will see marks with red and blue and black pencils all over it?

Shri N. C. Chatterjee: I saw the Chief Whip nagging him when he was reading it, and when the Chief Whip whips—the Prime Minister, there is always trouble.

I do maintain that this Parliament should not be oblivious of the main purpose of having a declaration of rights. What is the purpose of having this Fundamental Rights Part, namely Part III of the Constitution. Deliberately, the Constitution-makers imposed conscious limitations on the sovereignty of the Parliament. We abdicated our sovereignty in certain sectors. Why? We did so because we adopted those cardinal principles of jurisprudence enshrined in other Constitutions, formulated not by N. C. Chatterjee, but by Justice Holmes, by Madison, by Jefferson, by the greatest men, greatest thinkers, by progressive men and by persons who have been democrates to the very core. What did they say? They say that these Fundamental Rights are meant to be

definite limitations on the legislative power of Parliament. They also say—I am quoting from a judgement by Justice Sutherland, which is quoted in every book, not merely mid-19th century but also mid-20th century books also—

> "The very purpose of a Bill of Rights was to withdraw certain subjects from the vicissitudes of political controversy.".

That is exactly what our Constitution-makers imported into or embodied in Part III of the Constitution. What for did they do so? The purpose of a declaration of rights is to place them beyond the reach of majorities, so that Shri Jawaharlal Nehru may not stand up in this Parliament and say, "I have got the majority and I will carry this Bill and tamper with fundamental rights," saying that this fundamental right does not matter. What is the use of the majority he has got behind him? The purpose of this Fundamental Rights Chapter was that no matter what majority you have, there are certain forbidden sectors on which you will never trespass. The purpose of Fundamental Rights is that certain legal principles should be established, beyond the reach of the Parliament and the executive, to be applied by courts of law. That is the main thing. I ask the Prime Minister and I ask my hon. friends in this House to remember that they are to be enforced by the courts of law. That is the main distinction.

My hon. friend Shri Nathwani was saying that I have ridiculed the Directive Principles as being mere platitudes. I was going to contrast the efficacy of these Fundamental Rights in antithesis to these Directive Principles. You cannot enforce Directive Principles. Our Constitution says expressly that they are non-justiciable. You remember the opening article in Part IV of the Constitution. Its says: that the provisions contained in Part IV, namely the Directive Principles, shall not be enforced by any court of law, but the principles should be fundamental in the governance of the country. There lies the main difference between Fundamental Rights and Directive Principles.

The cardinal concept which I would beg of this House to remember is that these Fundamental Rights were made to withdraw certain items from the reach of political controversy, and to provide certain essential safeguards which are regarded as sacred. I do not know why the Prime Minister objected to the word 'sacred'. I repeat it and say they are sacred and inviolable; they should not be touched by any majority, by any parliamentary sovereignty, and the force of the ballot.

A man who has spent all his life in law and has especially dealt with constitutional law in diverse capacities knows this much, that property is not merely a right but an obligation. But wnat am i fighting for? My Minute of Dissent is simply saying that although property is both a right and an obligation, and although for public good individual property rights must yield, still the State can only exercise tne right of eminent domain on two broad conditions. What are those conditions? One is that you can expropriate it for a public purpose; and secondly there should be payment of compensation.

I am reading from a book, not published in the last century, but only published in the year 1946, recognised as the leading authority on the subject in every court, cited every day in the Supreme Court of America and the Supreme Court of India.

Shri Asoka Mehta (Bhandara): What is that book?

Shri N .C. Chatterjee: It is Willis's *Constitutional Law*. It is said there:

> "Eminent domain is defined as the right or power of a sovereign State to condemn private property for public use, for the purpose of promoting general welfare, and to appropriate the ownership or possession of such property for such use, upon paying the owner due compensation."

[Shri N. C. Chatterjee]

That is the cardinal principle. No one denies the right of the Indian Republic to condemn private property for public use. Nobody denies that the power of eminent domain or the power of expropriation in suitable cases is an attribute of sovereignty. Nobody denies that it is inherent in every independent State.

But what I am saying is this. Our Constitution-makers said that the State shall exercise this power, this sovereign power, this inherent power on these two conditions only, namely for a public purpose—not for a private purpose, and not because the Minister thinks that his brother-in-law should have a particular house which he thinks is very fashionable or is well-built—and on payment of compensation for that taking. This is what we have said. What was the good of saying all these things, if you did not mean to implement them?

If you make compensation non-justiciable, my grouse against this Bill as it has emerged from the Joint Committee is this, that it is not progressive. It is putting the hand of the clock back. I am not fighting for the big bosses of capital. I am not fighting for the profiteers. I am fighting for millions and millions of poor people who will be left at the mercy of an executive which is neither efficient nor uncorrupt. I am appealing to the Prime Minister to understand this. It is no use Shri Jawaharlal Nehru standing up on the floor of this House and saying that they shall be paid compensation. His word is not a part of the Constitution of India.

What guarantee is there, what is there in the Constitution which shall enable a man to get compensation if he is not paid any reasonable compensation? That is the test. We respect the Prime Minister's profession. But what is the good of that profession, unless and until you put it in the Constitution that you shall have to do it and that if you do not do it, you run the risk of your action being declared unconstitutional or repugnant to the Constitution, and therefore, liable to be struck down? The Prime Minister says that in certain sectors for certain purposes—to put it in his own language—for "social engineering", he cannot pay complete compensation or adequate compensation or just compensation.

I was the counsel for the State of West Bengal in Mrs. Bela Bannerjee's case, to which reference was made. We argued and we tried to contend that certain priciples had been laid down in the Statute and therefore, it should not be struck down. What was that case? Kindly remember the conditions of State of West Bengal. You know there has been a terrible influx of refugees from East Pakistan. Therefore, prices had shot up. The Government of the State of West Bengal had to pass legislation saying that compensation shall be paid at the market value prevailing in December, 1946. Sir Trevor Harries, Chief Justice of the Calcutta High Court, declared that illegal. He said that it was not merely confined to refugee rehabilitation, but it was a permanent statute. Therefore, if you acquire property in 1996 it would be thoroughly improper to pay compensation at the rate prevailing in 1946. You know in the State of Delhi, there are people who have come to me—they must have gone to other Members of Parliament also—saying that the Delhi State had passed legislation that for the purpose of rehabilitating refugees, for having development corporations functioning, they had acquired properties, but the uprooted people are being paid at the rate prevailing in 1939. You are acquiring property only 12 or 15 miles away from Delhi and they are being paid at the rate prevailing in 1939. They were saying that it is not proper, and that was struck down as illegal. The High Court delivered that judgment. I would recognise that to meet such cases there should be something done But what I am maintaining is that what you are now doing is much beyond the needs of the situation. If in view of certain constitutional decisions of the Supreme Court, you want

that certain powers should be taken for retugee rehabilitation or for taking over management of companies which are being systematically mismanaged by unscrupulous people, I can understand it. But what is the necessity of completely making compensation practically non-justiciable under article 31(2)? Why amend article 31(2)?

The Bill, as it came before us, was a Bill which made compensation non-justiciable only in certain sectors, in respect of certain categories of properties. Otherwise it made justiciable. You are now taking away the power of the Supreme Court.

It will be an evil day for India if the Prime Minister or anybody in this House thinks that we should not allow the Supreme Court to function in this sphere? They have allowed it to function in the United States of America. No cataclysm has happened, no revolutionary change has happened. You know that for some time there were discussions and so on, but after all, very important social development plans have been enacted by the American Government and they have been given effect to. (*Interruption*).

It is not right, it is not fair, to make the quantum of compensation completely non-justiciable. I am appealing to you, Sir, to your experience as a lawyer of standing. To whom are you giving this power? If the Prime Minister says, 'we must have the supremacy of Parliament', then I ask—are you arrogating the power to yourself? Is this supreme Parliament taking this power? No. You are conferring the power—you are arrogating the power not to yourself, —on the diverse State legislatures. Are you going to give this power on the States when you make compensation non-justiciable, so that any of the State legislatures can take any property even without payment of any just compensation or fair compensation or any reasonable compensation?

You know that in Land Acquisition cases, the real safeguard is that there is accessibility to the High Court or the highest court in the country. You know you seldom get justice from the Land Acquisition collectors; it is only because you can go, under section 30 of the Land Acquisition Act, to the District Judge or further higher up to the High Court, that you can get justice. If you block the courts, if you deny access of the ordinary man to the Courts of law, then you make him over to the tender mercies of the executive. Take, for instance, this case. You are giving power to the State legislature to enact laws under this Bill. I am saying that in 90 per cent. of the cases, it is the State legislature which will enact the law of acquisition not the Parliament. Then why go on talking of the supremacy of Parliament in this way? You are not making Parliament's supremacy at all effective. You are not arrogating this power to yourself. You are not altering the Seventh Schedule. You are not altering the items there, you are not placing it in the Concurrent List and saying that the State legislatures won't operate in that sector. You are not doing that.

What you are doing is that you are permitting almost arbitrary, confiscatory powers and conferring them on the State legislatures, which in effect would mean the State executive. The Prime Minister was very much amused because I had said—'suppose in a particular State, the Congress Ministry does not function, some other Ministry comes into power, and they can make a law making discrimination'. Therefore I have firmly pleaded for the restoration of article 14. I have said that that doctrine of equality is the sheet-anchor of any republican form of government. Why do you allow any State legislature or anybody to make discrimination between man and man?

Our comrades are very happy. After the Andhra elections, I did not see Shri A. K. Gopalan for a long time, but I heard his speech. In that speech he congratulated the Prime Minister of India on his great performance. Sir, a great man of my province, Surendranath Bannerjea used

[Shri N. C. Chatterjee]

to say:

> "When the *Statesman and Friend of India* applauds me, that day I am very unhappy; I think that there is something wrong with me."

Sir, I am appealing to the Prime Minister—do not play into the hands of the communists. You are taking power to placate them. They are trying to show that they are as *bona fide* socialists as you are. But the real truth is that they are happy because you are giving them the power, if they get into office in any particular State, to make discrimination between their political supporters and their political opponents. Suppose the Law made by a State simply says: 'We shall have a Committee of three members appointed by the Revenue Minister, and they shall pay the compensation that they fix'. And they fix any compensation. They pay to the comrades at one rate and to the non-comrades at another rate; you cannot go to a court of law. You are blocking the door to the Courts. This will act as a boomerang on you.

Do not think, that you will be perpetually in power for all times in all the States in India. Do not fashion the Constitution on such an illusion. You must be practical, you must be realistic. Therefore, I am appealing to you. Do not keep this power with the State Legislatures. I am appealing on another ground also. I wish the Prime Minister had said something on that. Sir, you have tabled an amendment, and I have tabled an amendment and other Members have tabled amendments, to the effect that if you are determined to make the adequacy of compensation non-justiciable, for heaven's sake do provide in this Constitution some category, some safety, that the poor sections of the community who are unable to bear the burden, shall not be subjected to any arbitrary treatment or discrimination or any confiscation. I am appealing to you. In the Income-tax Act, you do not tax people below a certain limit. When the gains and profits and income of a particular man from all sources are below Rs. 4,200, you think it is a wicked act on the part of the State to tax him. But if a man earns Rs. 100 as a clerk and Rs. 50 from his landed property, and if that landed property is taken away, under this law, and if he is discriminated against, if he is not paid any compensation or fair compensation or just compensation, he has no remedy.

What is the good of your saying that you are conferring a fundamental right when you deny the remedy? I have never heard of it. The elementary principle of law is this: *Ubi jus, ibi remedium*. What is the good of conferring a right when taking away the remedy? Do not throw them on to the tender mercies of the lower executive. We know that the land acquisition agencies are not very efficient, nor very honest. Do not throw these people to their tender mercies. At least when the cultivator cultivatives his own land, when he has his own *khudkhast* land and you take his property, he must be paid compensation at market rate and compensation for him should be just and fair compensation. You may not do it in the case of big capitalists. That is one thing. They will be able to manage the land acquisition department all right. They will possibly get more, much more than if you had it made it justiciable. But, this engine of oppression and this engine of tyranny you are giving to the executive and that should not be given.

You should pause and consider and see what safeguards you should provide for the poor people. Do not be under the impression that I am pleading for an extreme position. I take an objective approach—the Prime Minister himself admitted that I made an objective approach. I made a practical approach in the Joint Committee. What I am saying is this.

I daily hear of "peaceful co-existence" from the Prime Minister of

India. There can be peaceful co-existence betwen State sovereignty and sanity. You can have peaceful co-existence between compensation and also maintenance of State powers.

Look at this clause (2A). My friend Mr. T. K. Chaudhuri was trying to explain to you that it has gone much further. It says, as you know, that a State can now deprive you of any property rights where the law does not provide for the transfer of ownership or right to possession of any property to a State or a corporation owned or controlled by the State. Clause 2A reads:

> "Where a law does not provide for the transfer of the ownership or right to possession of any property to the State or to a corporation owned or controlled by the State, it shall not be deemed to provide for the compulsory acquisition of requisitioning of property....not withstanding that it deprives any person of his property."

Sir, I am appealing to the Prime Minister and to the Law Minister and to the other Ministers if their minds are not closed completely kindly listen to me. Don't think that Shri Patanjali Shastri, as Chief Justice of India had said something which is not worthy of consideration. What was he saying? Supposing for the Damodar Valley Scheme or for the Bhakra Nangal or any other Irrigation scheme you have got to a divert a channel and that diversion of the channel is completely for a *bona fide* public purpose but it floods 150 sq. miles and thousands of people are deprived of their property, are you not going to pay them any compensation? Are you going to give this power to the State Government that they need not pay any compensation? You are saying that unless there is actual acquisition of title, that is transference of ownership from the expropriated owner to the State, there need not be paid any compensation. I say this is wicked. It is an abuse of power. It is doing something which is opposed to all notions of equity, justice and fair-play. If you give this power to the State Governments.....

Mr. Chairman: Does the hon. Member know that those persons whose lands have been submerged in Bhakra Nangal are being paid compensation?

Shri N. C. Chatterjee: Thank you, Sir, for this information. That is what ought to be done. That is what our Constitution, as it stands today, compels the State to do. If you do not pay me I can go to the High Court or the Supreme Court and say that I am being deprived of my fundamental rights. Tomorrow, if you pass this law, you completely denude me of the right to go there and say that I have been deprived of my property. It is not what N. C. Chatterjee has said in his Minute of Dissent. I have quoted Justice Holmes, I have quoted lawyers, and Judges and men of wisdom. They are saying that the regulatory power, if it is exercised to the extent of practically taking the property—I am emphasising the word taking the property, that means actually making it useless for the owner, then you have got to pay compensation. But, under this Bill there is no question of compensation. The only compensation shall be when there is a transfer of title from the owner to the State. Supposing, the State in its wisdom says the small property that I have got in Calcutta shall be transferred to the President of X Committee and not to the State, then no compensation need be paid. Is this just; is this fair; is this the way to circumvent the fundamental rights? Why don't you then follow the communists? The lady communist said—she is much more progressive than Mr. Gopalan —have only 31(1) and delete the rest. I can understand the communists. They do not want any fundamental rights. They want only the right to confiscate property. They want the regimentation of life of the nation and the suppression of individuol. But through the ages, through

[Shri N. C. Chatterjee]

the millenium of Indian history, our civilisation and culture recognised property not merely as something which is absolutely at the mercy of the owner but it has always been combined with the idea of trust obligation.

तेन त्यक्तेन भुंजीथा मा गृधः कस्यचित् धनम्

"Enjoy through renunciation. Covet not another's wealth."

That is the cardinal principle of Hindu civilisation, that is the culture of India that only by renunciation can you enjoy your property or your wealth. That is the law of the Mitakshara—I do not belong to it, I belong to Dayabhaga. But millions and millions of people in this country are governed by that law. You cannot have property in the strict sense of the word; it is only property subject to family rights, subject to the obligations of the community. Do you want to take away the property from the Mitakshara coparcenary? Is it fair that you do not pay coparcenary compensation? Can you simply say that we have deprived you of your property but we have not taken the property, and therefore we do not pay you anything? I appeal to the Prime Minister seriously to amend clause 2A.

Firstly, Article 31 (2) has been altered much too much beyond the exigencies of the situation, much beyond what the Bela Banerji's case demands, much beyond what you should do in view of the present situation. Secondly, (2A) should be altered. I know the hon. Minister for Commerce and Industry may say that he cannot run the commerce and industry department of the country unless he gets the power to take over undertakings like the Sholapur Mills. Do it under article 31A or take the requisite power. But, why this power that in every case of deprivation there shall be no compensation? Thirdly, I appeal to the House and to the Minister in charge of the Bill that even in certain specific categories when compensation is not obligatory there must be some exemption limit and in case of the poor people the State shall be bound to pay compensation. We are not going to give this unlicenced, uncanalised and unrestricted powers to the State Legislatures to do what they like in the field of Eminent Domain or police powers. There should be some limitation.

I am appealing that your suggestion of the minimum prescribed in the Estate Duty Act or my suggestion of the minimum prescribed in the Income-tax Act should be adopted. Also poor hut owners, poor cultivators and poor owners of land which they themselves are tilling, *khudkast ryots* should be safe guarded. Fourthly, it must be made compulsory in order to make parliamentary supremacy effective, that before an Act goes to the President for final assent, the law passed by the State Legislature should be placed before the House of the People and the Rajya Sabha, not for the purpose of trespassing upon the exclusive jurisdiction of the State Legislature— only for the purpose of expressing our views in the form of resolutions and such resolutions should be fordwarded to the President before he gives his assent to the State legislation. That would be an effective thing. Otherwise, you and I know that this president's assent is almost illusory. If the Chief Minister of a State wants a particular Bill to be assented to by the President, he can get it done. I want real parliamentary supremacy; I want parliamentary supervision. I want the spotlight of parliamentary criticism to be brought to bear upon State legislation and our comments should be forwarded to the President before he finally assents to that law.

3 P.M.

Shri S. L. Saksena (Gorakhpur Distt.—North): Sir, this is an occasion on which I would like to congratulate the Prime Minister for

doing what he failed to do when article 24 of the Draft Constitution which is now article 31 of the Constitution of India was being discussed in the Constituent Assembly. This amendment in substance is the same as my amendment which I moved to Article 24 of the Draft Constitution that was discussed and debated upon by the Constituent Assembly on Sept. 10, 1949. In fact, I may here say that what the Prime Minister is saying today was also said by him then inside the Congress Party. But he surrendered that opinion at that time to reactionaries inside his Government and in the Congress party at that time. I think that history should go on record. You know that article 24 of the original Draft Constitution was adopted almost at the end of the discussions in the Constituent Assembly. It was debated on the 10th September, 1949 when we were almost at the end of our labours because the framers of the Constitution were divided about what should be the content of the article. Therefore, when the Prime Minister says that the present amendment contains exactly what they intended at that time, I beg to differ. I know that the Prime Minister himself held the same opinion even then, but he surrendered that opinion knowingly to those who did not mean what the present amendment says. I do not think the Prime Minister himself will dare to argue that article 31 of our Constitution as it stands today means the same thing as this present amendment. When he says that the present amendment brings out the intentions of the original framers of the Constitution, does he mean to say that the present amendment is contained in the original article 31? Does he mean to say that the Supreme Court Judges were so reactionary that they intentionally interpreted the article in a manner as to give a different meaning? I am sorry. Some of the remarks in his speeches have been derogatory to the dignity of Supreme Court Judges, and were unworthy of him. It is certainly true that so far as the Prime Minister is concerned, he himself was even then of the same opinion, which he has expressed today, but then he surrendered his opinion knowingly and deliberately to those who scored the point that day, who won the battle that day, and they put it in the form which has now been interpreted by the Supreme Court. It is therefore not proper for him to find fault with the interpretation given by the Supreme Court because he himself allowed it to be put in a manner in which such an interpretation alone could be given and in which they were bound to release the Sholapur Mills from Government's custody when that case came up before the Supreme Court. If he had not at that time surrendered his opinion, then probably it would not have been the case and the Sholapur Mills would have continued to be in Govt. custody. I want that that history of the surrender of his views by the Prime Minister should come on record. This article was discussed, as I have said, at the very end of the Constituent Assembly sessions. The article was discussed many times in the Congress party, where, too, the Prime Minister gave very vehement expression to his views but as soon as he had finished powerful speech in support of his views in the Congress party, Dr. John Matthai Finance Minister at that time, stood up before the Congress party and tendered his resignation, saying that if this was the opinion of the Prime Minister, he could manage the financial affairs of the country. There was a dumb silence and the whole House was stunned. After that we adjourned for several weeks. Dr. John Matthai had the support of the late Sardar Vallabhbhai Patel of revered memory, and the Prime Minister had to surrender his view and Dr. Matthai's and Sardar Patel's views prevailed and ultimately the article was passed in the form in which we find it today in the Constitution, and that put a bar on the progress of the country during the last so many

[Shri S. L. Saksena]

years. I am, therefore, very glad that today the old intentions of the Prime Minister are being put into effect by this amendment and this will clear the way for our future progress I am, therefore, very happy. But I was surprised at the speech of Shri N. C. Chatterjee when he tried to say that this amendment will be used largely against the poorer sections of the people. I do not agree with him. It will be a disaster for the country if the Government administer this amended article to expropriate the poor people. We are now all yearning to have a common-wealth State, in which every man will have the fullest liberty and the fullest opportunities to develop. The legislatures which will come hence forth will be more radical than they have been so far, and I am sure no legislature will permit the expropriation of poor tenants or poor people withouf paying them full compensation. In fact, I have seen in the Soviet Union and also in China that they have got big projects and big schemes and they compensate everybody whose lands are taken away; they even compensate the big people. In fact, I was surprised when I found that in China, in Shanghai, they have taken over the properties of the French and other foreign powers. When I asked them "Have you confiscated these properties?" they said, "We have taken them into our custody; we will pay compensation for them when there is a settlement with these foreign powers." So they have not confiscated even the foreign interests who had mercilessly exploited them. I say that even the Chinese Government and the Soviet Government are very careful to see that they do not confiscate any property, and I think the legislatures, which will come here in the future will not be unjust and unfair. But they must have full powers, powers to go forward and build a new and strong India. This article was a handicap and it was a drag upon our progress and we could not therefore, go forward at full speed. I hope this article will be used for the purpose for which it is being enacted. In the case of the Sholapur Mills, because there was very bad management, because hundreds of people were suffering it was taken over by the Government very justly and very fairly, but this article 31 of the Constitution came in the way and the Supreme Court had to say that we could not take over the Sholapur Mills. Now, if this new article is passed as amended now, this difficulty will no longer be there, and other mills which are mismanaged we can take over and manage properly. The other day I told the House about the condition of the workers in the Sahjanwala Jute Mills and how it is mismanaged and how the Mill is locked out for the last three months. These are cases where the Government should step in and take over. I therefore congratulate the Prime Minister for having brought this amendment and I am very glad that it is now going to be put on the statute-book.

I would like the use of the amended article to be made in order to develop and to bring into existence that socialistic pattern of society to which reference was made by the Prime Minister. In fact, he said that we are not going to take over properties without payment of fair compensation. Nobody wants that. But what I want is that we must progressively have a joint ownership of private undertakings. In fact, in China, there are capitalists who manage their factories, but they are gradually making them joint ownership of capital and Government. I am very glad that in clause 3 (a) (1) (d) you have taken power to modify any rights of the managing agents, managing directors, etc., so that we can have joint ownership between the Government and the capital. Gradually, therefore, we can pave the way for complete ownership of the State. That, I think,

should be done on a bigger and bigger scale. The present article did not permit us to do that and this new amendment will allow it to be done.

I would only say that there are some defects in clause 3 (a) (1) (b) which says:

> "the taking over of the management of any property by the State for a limited period either in the public interest or in order to secure the proper management of the property,"

Only two considerations for taking over are given—to secure proper management of property and in public interest. There may be wider considerations which may probably compel us to take over some property. For example, a sugar mill is making good profits, but it is managed in a manner in which thousands of cane growers suffer and thousands of workers suffer. I think the Government should now have the right to take over that factory and manage it themselves. I have suggested in my amendments that you may take it over not only to secure proper management, but also to do social justice and in national interests. That will enable us to take over those factories whom though profitably managed, are managed in a way which is against national interest. I am glad that this amendment has been presented before the House. I wholeheartedly support the amending Bill.

Shri Jaipal Singh: I was very agreeably surprised that memory had played tricks with the sponsor of this amending Bill when in his endeavour to make a diatribe against my Minute of Dissent, he said I had not attended any meeting of the Joint Committee. That is rather unfortunate because I want to impress on him that immediately I got to know that he and his colleagues on the other side were intransingent in their attitude, completely adamant, having very little of an open mind, I thought it fit to go to my constituents and find out from them their mind in regard to this very, very important matter.

Sir, I have no apprehension, no fear, about the Prime Minister's intentions. Unfortunately, we are not dealing with his intentions. We are dealing with something that would be in black and white and which would be complied with according to interpretation and implemented by the State legislatures and others. I want to remind my hon. friend of my visit to him *in camera* in the External Affairs Ministry nearly two years ago when one of the directors of the Damodar Valley Corporation was also present. I spoke to him about the very fine words, the very fine intentions which he had shouted out from the tops of the Tilaya Dam and other dams and I said that they had not been implemented. One of the directors of the Damodar Valley Corporation, who was present then, assured me that the promise of the Government and of the colleagues on the other side, namely, house for house, land for land and more, would be executed. May I just remind you that that promise has not been executed? On the contrary, as the hon. Minister of Planning, Irrigation and Power and everybody else on the other side will tell you, there is a change in their intentions. There was a period when they said, "No, it shall not be house for house, land for land and more, but it shall be hard cash". Then, when there was an agitation, they had to change and today, for the time being at any rate, not in actual reality, but in their well-meant intentions, the idea of compensating with money the peasants who have been displaced from the submerged areas in Hirakud, Damodar Valley and elsewhere has receded. The idea was to give house for house, land for land and more. Only a few weeks ago the case came up—I want the Prime Minister to hear me, because, as we know, his heart bleds for the Adivasis—in the court of the S.D.O.,

[Shri Jaipal Singh]

Jamfara, where 10,000 santals offered *Satyagraha*. Their lands were being taken, water was sumberging their lands, and the executive authority said, "Quit the place. Get out". The Santals said, "Well, where is the promised land for land? Where is the promised house for house?" The Government of Bihar—the Congress Cabinet—had to come down to their knees and promise the Santals and say: "We will do this as soon as possible". I ask you now, what has happened? It is nearly three years now. What has the D.V.C. done? What has the Congress Cabinet of the Bihar Government done in regard to the persons who will compulsorily be evacuated from there? Does it make any sense to ask the people to go out to places where there is no drop of water. How can you expect them to build houses for themselves when there are no wells. It does not make any sense. So, my Minute of Dissent is not related to the question of compensation in terms of money. My constituents are not interested in money; they are children of the soil. I was very surprised this morning when my friend said that it is no use giving compensation to property. I may tell you that the millions of Adivasis—they are not less than 30 million; according to your census, you can make them any number you like—will not agree with my hon. friend in regard to this question of their feelings towards property and compensation. They are the original settlers of this great country; they are the most ancient millions who have borne the brunt of clearance work; they have cleared the forests for cultivation and today they are asked to give away their land for a public purpose. But you say, "You get out; no compensation". I know compensation has been since mentioned, but I very much would like my friends to tell us what the ceiling is, because, as far as my constituent are concerned, they are equally poor. But as I said to my friend on the other side, when the question of *Sindri* came forward, when the question of Chittaranjan came forward, I said, for Heaven's sake, ask your Government officials not to pay any cash to these people because that cash will disappear. What has happened in Chittaranjan? The Santals of Chittaranjan are today landless people and are wandering about. Exactly the same thing has happened in Sindri. It is going to happen again and again. When I gave my Minute of Dissent, I was not thinking of compensation in terms of money. All that I say is, if for a public purpose you have to displace them for Heaven's sake, give them at least the equivalent amount of land and houses for those children of the soil. You must not uproot them from the land. That is the main purpose of my Minute of Dissent.

Now, as you know, I come from an area where there is a very, very strong cry for the creation of a separate administrative unit. I know my friends from the rest of Bihar laugh at it. They will not laugh when the 1957 elections come round. They have laughed before. We shall have another opportunity to prove to the country this clamant cry for a separate State for *Jharkand*. The whole issue there is over this expropriation of the indigenous people of that area. That area is the mineral depository of this great country of ours wherefrom you get many valuable minerals. What is now happening? The Jharkhandis, which community includes the Brahmins also, do not want to stand in the way of national development. Today, we have got the raw materials for atomic energy in the district of Singhbhum. Our people do not quite know what atomic energy means. For the matter of that, they have not understood yet what these hydro-electric projects mean. When land was being acquired from them, I went to the villages to tell those people that these projects were going to be of great benefit to the country and to themselves also. Today, you

go to Hirakud. Hundreds of homes have been uprooted. Where can the settlers go? That is the picture. So I thought it my duty to contact my constituents instead of giving amendments and so forth to the Constitution (Amendment) Bill. I thought I should draw the attention of Parliament here and the country outside also to the fact that the problem of Adivasis was really of national importance. The Constitution has specifically tried to put certain burdens, certain restrictions on the administrators of this country. There is article 14, and immediately when we turn to article 19, you find that you have restricted the article, right and left, for the benefit of a particular section of the Indian community,—the Scheduled Castes and Scheduled Tribes. If you go on to article 275, you find that there also there are certain specific injunctions on the administrators of this country. Then you go to the two Schedules towards the end—the Fifth and the Sixth Schedules. There also, one thing is specifically mentioned right through. That is the question of a restricted transfer of land. Why am I suspicious? I am not afraid of my friends on the other side, but I am very suspicious of their intentions, because in the past, they have made wonderful promises. I was a Member of the Constituent Assembly and I remember exactly the rosy speeches that were made. We were told of the kind of Heaven that was going to be brought for my fellow Adivasis. What is happening today? The first thing you try to do is to destroy their language in the Santal Parganas, where they had a special script for Santhali. You remove it straight off! Like that, I can give you list after list.

There have been many rebellions in Jharkhand over land expropriation. That was long before the Congress came into existence. Birsa Munda led many risings. Revolution after revolution resulted in the enactment of what is known as the Chota Nagpur. Tenancy Act. The first thing that the Congress Ministry in Bihar did was to modify that so that land which was previously inalienable to non-tribals could thereafter be alienated in favour of non-tribals with the concurrence of the District Officers. Like that, right through, I can give you a whole inventory of what has happened. That is why I thought I would append a minute of dissent.

What is happening to the census? In 1948 it was 248 lakhs. What happens in 1951? 272 lakhs. No. One million disappear. When it comes to representation in the Parliament and in the legislatures, what has been the purpose of reducing the population number? Is it that fewer tribals shall be enabled to come to the legislatures? I am not one who is speaking for any special safeguards. All that I say is this. If you are honest in your purpose. if you mean what you say, for heaven's sake, see to it that you honour your word. There is one important section of the community, Adivasis, please do not play ducks and drakes with them because they have tremendous faith in you. They are expecting great things from you. Please remember that the rest of your colleagues and your leaders are not the same as you. Before my very eyes in the province of Bihar, in Orissa and even in Madhya Pradesh, I have been seeing all the time the name of the Prime Minister being used to screen certain things: the Prime Minister wants this; the Prime Minister wants that. I say that there is a very serious danger in that and that is why I am personally not prepared to accept the verbal intentions of anybody including the Prime Minister, I would like the matter to be beyond dispute as to what can be done legally. It is not what you think will be done or will not be done; I would like it to be put beyond doubt. It is not a question whether you make it justiciable or non-justiciable because as far as I am concerned, I would not like to put anything outside the law courts. If there is any little patch of protection for the poor and ignor-

[Shri Jaipal Singh]

ant, it is the law Courts. Once you leave him to the mercy of the executive authority, I am afraid that it will be the end of him.

To wind up, may I point out how ruthlessly some of the jungle inhabitants are being expropriated even today? Some of us have tried to bring sense into some of our leaders without much success. In the name of forest conservation, literally thousands and thousands of acres have been demarcated within the so-called protected forest area with the consequent result that people who have been living there tilling the soil, literally for decades of years, are being thrown out. You make that non-justiciable. What happens? Where do all these people go? Let my friends who talk of our fighting a battle lost two years ago go and tell the jungle folk all they say here. It is very easy to make speeches here. You go to the people who belong to the jungle: you will get your opportunity two years hence. You just tell them that the korkar land—the land that the jungle folk themselves clear and put under the plough—that land can be taken away without any compensation.

Now, I know the Prime Minister is quite right when he says that nobody in his proper sense would expropriate a poor man. But the trouble is: there are so many people without their proper senses; that seems to be the difficulty. I wish people were in their proper senses whether in authority or even when they are not in authority. My difficulty is that I find that whenever some power is given, with all the best intentions that may be expressed by the leaders in this House or anywhere else, somehow or other, things operate very largely against the poor man who because of his ignorance does not know the various implications of this amendment. The ignorant is always at a disadvantage and because of that disadvantage, I feel he should at least have the advantage of resorting to law courts for redress.

श्री बी० पी० सिंह (मुंगेर व जमुई): मैं इस बिल की भावनाओं का समर्थन करता हूं, परन्तु साथ ही साथ इनके पीछे जो भावनाएं छिपी हुई हैं उन पर भी प्रकाश डालना चाहता हूं। आज आवडी कांग्रेस के नाम पर जिस सामाजिक ढांचे का जिक्र किया जाता है उसका मैं अक्षरशः समर्थन करता हूं।

हमको अपने संविधान का सम्मान करना चाहिए। कहा जाता है कि इस बिल में भी कम्पेन्सेशन की पूरी बात है, लेकिन यह बात मेरी समझ में नहीं आती है कि जब हम सम्पत्ति का पूरा कम्पेन्सेशन देना चाहते हैं तो इस बिल की कौन सी आवश्यकता आ पड़ी थी। हां एक बात जरूर है। हमारे कुछ मित्र कहते हैं कि आज जो आर्थिक विषमता है उसको कैसे दूर किया जाए। तो जहां तक आर्थिक विषमता का सवाल है उसमें इसको लागू करना चाहिए, परन्तु साथ ही जो हम करना चाहते हैं उसमें गरीबों के लिए कुछ छूट रखनी चाहिए।

हमने कराची में यह संकल्प किया था कि कोई पब्लिक सरवेंट ५०० रुपया मासिक से अधिक नहीं पावेगा। मैं समझता हूं कि उसके अनुसार आज सरकार को यह नियम बनाना चाहिए कि जिस किसी भी सरकारी कर्मचारी को या व्यक्ति को ६००० रुपए वार्षिक से अधिक आमदनी हो, उसको जनता का प्रतिनिधित्व करने का और वोट देने का अधिकार नहीं होना चाहिए। अगर सरकार ऐसा करेगी तब जो समाजवादी ढांचा हम लाना चाहते हैं वह हमारे सामने आ जाएगा।

आज हम जो कुछ कानून बनाते हैं उसमें गरीबों के लिए कोई छूट नहीं रहती है। आज हमको सुनने में यह बात बहुत अच्छी लगती है कि जो नियम हम बनाने जा रहे हैं उसमें कानून की बाधा नहीं रहनी चाहिए। कानून की बाधा रहने से बहुत सी दिक्कतें पैदा हो जाती हैं। लेकिन मैं यह निवेदन करना चाहता हूं कि आज जो सारा अधिकार हम स्टेट गवर्नमेंटों को दे रहे हैं उस

पर पार्लियामेंट का भी कोई अधिकार नहीं रह जाता हैं। यह जरूर सही हैं कि आज हमारा शासन हमारे चुने हुए प्रतिनिधि चला रहे हैं, लेकिन जो संशोधन हम संविधान में कर रहे हैं वह दो चार वर्षों के लिए नहीं, बल्कि बहुत वर्षों के लिए हैं। आज किसी भी डिमाक्रेसी के चलाने के लिए तीन अंगों की आवश्यकता होती हैं, एग्जीक्यूटिव, लेजिस्लेचर और जूडीशियरी। मेरा ख्याल हैं कि जूडीशियरी सर्वोपरि होनी चाहिए। उसके अधिकार में कोई हस्तक्षेप न करें। इससे जनता में शासन के प्रति विश्वास रहता हैं कि हमारे ऊपर अन्याय नहीं हो सकता। आज मैं एक बहुत छोटा सा उदाहरण आपके सामने रखना चाहता हूं। बिहार में दो तीन साल पहले भारतीय जंगल कानून की धारा २६(२) के अनुसार यह सूचना गजट में निकाली गई कि सरकार कुछ जमीन जंगल के लिए लेना चाहती हैं। उस जमीन पर किसी के अधिकार का निर्णय नहीं हुआ हैं। लेकिन किसानों को इसकी कोई भी सूचना नहीं हैं। और आज यदि किसान जंगल में अपने काम के लिए या आबाद होने के लिए जाता हैं तो वह उस नियम के विरुद्ध समझा जाता हैं।

आर्थिक विषमता को दूर करने के विषय में हमारे पूज्य बापू ने कहा था कि "मैं झोंपड़ी और राजमहल का अन्तर नहीं चाहता।" आज हम बेकारी की समस्या को हल करना चाहते हैं। लेकिन हम इस समस्या को उस समय तक कैसे हल कर सकते हैं जब तक कि हम समाज में जीवन स्तर निश्चित न कर लें। आज हमारा विधान कहता हैं कि हम अपने लोगों का जीवन स्तर ऊंचा करना चाहते हैं, मैं समझता हूं कि जब तक आप यह आर्थिक विषमता दूर नहीं करते तब तक आप जितने भी नियम आदि बनाते हैं, उनसे सर्वसाधारण को लाभ नहीं होता हैं। आज किसानों की अवस्था बड़ी शोचनीय हैं और उन में दरिद्रता फैल रही हैं, उसकी ओर हमारी सरकार का और हमारे नेताओं का ध्यान जाना चाहिए। आज आप किसानों की लैंड होल्डिंग्स की सीलिंग तो फिक्स करने जा रहे हैं कि इससे ज्यादा जमीन वह नहीं रख सकेगा, लेकिन सेंट्रल पे-कमीशन ने सरकारी कर्मचारियों के वेतनों के सम्बन्ध में जो निश्चय किया हैं उसमें भारी आर्थिक असमानता रक्खी हैं, उस आर्थिक विषमता को मिटाने के लिए कोई कदम नहीं उठा रहे हैं, और मेरा तो ख्याल हैं कि सरकारी कर्मचारियों को और जो देश के शासक हैं उन को आर्थिक विषमता समाप्त करने के लिए आदर्श पेश करना चाहिए। पूज्य बापू का सदा यह कायदा था कि जो कुछ वह जनता और लोगों से कराना चाहते थे उसको स्वयं करते थे और उनके प्रतिनिधियों से कराते थे और तब जनता को उनके पीछे चलने की प्रेरणा होती थी, लेकिन आज मुझे दुःख के साथ कहना पड़ता हैं कि उस तरह का कोई काम नहीं हो रहा हैं। आज हर एक आदमी जानता हैं कि किसानों की कैसी दयनीय अवस्था हैं। आप आज उनके बीच में आर्थिक विषमता मिटाने जा रहे हैं। परन्तु आप तो उन्हीं नर कंकालों का जिनके पास कुछ नहीं हैं, उन्हीं के धन के बंटवारे की बात आप कहते हैं। आपकी कोई भी योजना ऐसी नहीं हैं जिससे इस देश में ९० प्रतिशत किसानों की ४८ प्रतिशत आय और २० प्रतिशत जो दूसरे लोग हैं और जिनकी आय ५२ प्रतिशत हैं, उनके बीच में समता लाई जा सके। किसानों का भविष्य अंधकारमय दीख रहा हैं, उनके पास कोई सम्पत्ति नहीं हैं, लेकिन उनकी सम्पत्ति के बंटवारे की बात आप सोचते हैं, हां, यह बात जरूर हैं कि यदि किसी किसान के पास १० हजार, ५ हजार या २ हजार एकड़ जमीन हैं तो जरूर उससे जमीन लेना चाहिए। कराची कांग्रेस के एक प्रस्ताव में कहा गया था कि एक लोक सेवक का ६ हजार रुपए वार्षिक वेतन हो। अतः ६ हजार से अधिक आय वालों को अलबत्ता पब्लिक परपज के वास्ते अगर उनकी जायदाद वगैरह लेते हैं तो जितना कम हो सके मुआविजा दीजिए। लेकिन मुझे अफसोस होता हैं कि ६ हजार रुपए की बात तो दूर रही, ६०० रुपए मासिक आय वालों के लिए आपके पास कोई छूट नहीं हैं और मेरा निवेदन हैं कि कानून बनाते समय सरकार को इस बात का ध्यान रखना चाहिए कि इसका गरीब जनता पर क्या असर पड़ेगा। जब मैं यहां दिल्ली का ऐशोआराम का जीवन

[श्री वी० पी० सिंह]

देखता हूं, बड़ी बड़ी महलों और कारों को देखता हूं तब सहसा मुझे उन लाखों और करोड़ों किसानों की याद आ जाती हैं जो कि बुरी अवस्था में रह रहे हैं और उनके सुधार की कोई बात मैं नहीं देखता।

द्वितीय पंचवर्षीय योजना में शिक्षा के सम्बन्ध में हम देखते हैं कि ७५ प्रतिशत लड़कों के स्कूल जाने की बात सोची जा रही हैं, हमारे शिक्षा विभाग ने बतलाया हैं कि हमारे पास केवल सात लाख शिक्षक हैं जब कि सभी स्कूलों के बच्चों को शिक्षा देने के लिए हमें करीब सत्ताइस लाख शिक्षकों की आवश्यकता हैं। मैं पूछना चाहता हूं कि आप सभी लड़कों को प्राथमिक शिक्षा दें, क्या कोई ऐसी योजना आपके पास हैं? अगर नहीं हैं तो मैं आपको सुझाव दूंगा कि इसको अमल में लाने के लिए जो बड़े वेतन पाने वाले लोग हैं उनके वेतनों में कटौती करके जो पैसा बचे उसे इस काम में लाया जाए। आज जो भी योजनाएं बनती हैं उन में ऐसी कोई व्यवस्था नहीं रहती जिससे जो बहुत ऊपर चढ़ गए हैं उनको कुछ नीचे लाया जाए और नीचे वालों को ऊपर उठाया जाए और उन में समता लाई जाए। आज जरूरत इस बात की हैं कि जिनका जीवन स्तर बहुत ऊपर हैं, उनको धीरे धीरे हमें नीचे लाना हैं और जिनका नीचे हैं उनको ऊपर ले जाना हैं लेकिन आज खेद के साथ इस बात को स्वीकार करना पड़ता हैं कि हम इस समस्या से अनभिज्ञ हैं और इस दिशा की ओर हमारा कदम नहीं उठ रहा हैं। जिन किसानों के जमीनों के बंटवारे की बात आप करते हैं, उनकी अवस्था क्या हैं, उनकी आवश्यकताएं क्या हैं, उन पर हम बहुत कम ध्यान दे रहे हैं। आज किसानों के बीच में जो भ्रम फैला हुआ हैं, उसको दूर करना चाहिए और वायदे तो हम बहुत दिनों से करते आ रहे हैं लेकिन अब समय आ गया हैं जब हमें अमली कदम उठाना चाहिए और उनकी आर्थिक कठिनाइयों और अन्य समस्याओं को सुलझाना चाहिए। पूज्य बापू ने हमें सिखाया था कि अगर तुम चाहते हो कि जनता सादा जीवन व्यतीत करे तो तुम स्वयं वैसा आचरण करो, और किसानों का सा सादा जीवन व्यतीत करो। आर्थिक विषमता हमारे बीच में से मिटनी चाहिए और झोंपड़े और राज महल का भेद मिटाना चाहिए, आवडी कांग्रेस ने समाजवादी समाज की स्थापना का अपना लक्ष्य घोषित किया हैं लेकिन हम देखते हैं कि उसको लाने के लिए कोई सक्रिय कदम नहीं उठाया जा रहा हैं। आज किसानों के लिए जो कि इस देश की आबादी का ७० प्रतिशत भाग हैं, उनकी आर्थिक अवस्था बहुत ही शोचनीय हैं, उनके बीच में असंतोष फैल रहा हैं, यह ठीक हैं कि कुछ हमने भूमि सुधार सम्बन्धी बातें की हैं, कुछ सुधार की बातें हुई हैं लेकिन उससे किसानों को संतोष होने वाला नहीं हैं, उनकी शिक्षा और स्वास्थ्य सम्बन्धी बातें अलग रख दी हैं और आप लोगों को एक भूल भुलैया में रख रहे हैं। मैं बहुत ही आदर के साथ कहना चाहता हूं कि कराची कांग्रेस ने जो जीवन स्तर निश्चित् किया हैं कि ६ हजार रुपए से अधिक आय किसी के पास नहीं होनी चाहिए और यदि कोई उससे अधिक आय रखता हो तो उसे किसी भी प्रकार का अधिकार नहीं होना चाहिए, उसे वोट देने का अधिकार नहीं होना चाहिए और न ही प्रतिनिधित्व ही। जरूरत इस बात की हैं कि किसानों के बीच जो अशिक्षा विद्यमान हैं, उसको हटाया जाए और किसानों के शतप्रतिशत लड़कों को शिक्षा देने की व्यवस्था की जानी चाहिए। अभी उस दिन माननीय पंत जी ने कहा था कि सीर्वेन्ट्स के जो लड़के हैं, उनको पढ़ाने के सम्बन्ध में हमें एक विशेष व्यवस्था करनी चाहिए, मैं कहता हूं कि आप शौक से करें, मुझे उसमें कोई एतराज नहीं हैं लेकिन क्या आपने इस देश की जो ७० प्रतिशत किसान आबादी हैं उनके बच्चों को प्राथमिक शिक्षा भी देने की कोई

[SHRI BARMAN *in the Chair.*]

व्यवस्था सोची हैं? कोई जीवन स्तर उनके लिए निश्चित् किया हैं? क्या कोई व्यवस्था उनके लिए की हैं जिससे वह भर पेट खा सकें और सुख से जीवन बिता सकें? यदि किसानों को भरपेट

खाना मिले, उनके शरीर पर वस्त्र हों, उनके बच्चों के लिए प्राथमिक शिक्षा दिलाने का प्रबन्ध हो जाए और उनके स्वास्थ्य की यदि व्यवस्था हो जाए तो मैं समझूंगा कि सरकार अपने कर्तव्य का पालन ठीक प्रकार से कर रही है। लेकिन हमने देखा है कि सरकार जो कानून लाती है तो उनमें केवल भ्रम फैलाने वाली बातें रहती हैं। आज आप जो संविधान में संशोधन करने जा रहे हैं और यह जो कह रहे हैं कि हम मुआविजा देंगे तो मैं कहूंगा कि अगर आप वाकई मुआविजा देना चाहते हैं तो फिर यह सारी चीज कोर्ट्स की पावर्स से बाहर क्यों रख रहे हैं और एग्जीक्यूटिव को यह सब करने का अधिकार क्यों दे रहे हैं? कारण शासन नहीं वरन् नौकरशाही चला रही है। मैं बहुत ही आदरपूर्वक सरकार की सेवा में निवेदन करना चाहूंगा कि नौकरशाही जितने जोर से ब्रिटिश शासनकाल में नहीं चलती थी, उससे ज्यादा जोर से आज चल रही है और हमारा विश्वास है कि अगर यह शक्ति और निर्णय करने का अधिकार इस नौकरशाही को मिल गया तो देश में बड़ी अशान्ति होगी और हम सुख और शान्ति का अनुभव नहीं कर सकेंगे। यह ठीक है कि आज सारे देश को श्री नेहरू के नेतृत्व में विश्वास है और जनता समझती है कि वह जो कुछ भी करेंगे वह देश और समाज के हित में करेंगे, लेकिन अगर कोई यह समझे कि उस नौकरशाही में जो कि श्री नेहरू के नीचे काम कर रही है, उसमें जनता का विश्वास है, तो मैं कहूंगा कि उसका ऐसा समझना गलत है, देश की जनता को आज की नौकरशाही पर विश्वास नहीं है, देश को उसका काफी कटु अनुभव है और उसने देखा है कि जिस तरह का शासन चल रहा है उसमें हालांकि किसानों के नाम पर बड़ी बड़ी बातें की जाती हैं, लेकिन वास्तव में होता यह है कि किसानों की उपेक्षा होती है। आज अवस्था यहां तक पहुंच गई है कि किसानों के घर में अन्न नहीं है, उनकी आर्थिक अवस्था बहुत खराब हो चली है और मैं समझता हूं कि इस समस्या पर बहुत ही शान्ति के साथ विचार होना चाहिए। जिस तरीके से हमने स्वाधीनता हासिल की है, उसी तरह के शान्तिमय तरीके से हमें अपनी आर्थिक अवस्था और अन्य जितनी भी दूसरी आवश्यकताएं हैं, उन सारी चीजों की पूर्ति करनी चाहिए। किसानों की जो अवस्था है और देश की जो अवस्था है उसके सम्बन्ध में सरकार को यह ध्यान रखना चाहिए कि कोई भी सुधार हो वह बहुत ही गम्भीरता से विवेचन करने के बाद करना चाहिए और वही सुधार करना चाहिए जो वास्तव में लाभप्रद हो।

Shri S. V. Ramaswamy (Salem): I welcome the Bill as it has returned from the Joint Committee. It is a great improvement on the draft Bill in three particulars: (i) the distinction between agricultural and non-agricultural property has been dropped out; (ii) the difference between article 31 (1) and 31 (2) has been brought out clearly and (iii) the scope of compensation has been defined.

Shri N. C. Chatterjee was talking of fundamental right to property being taken away and said that the axe had been laid at the root of property. The Prime Minister has repeatedly said and he has also said today that what we are seeking to do is nothing new other than what the Constituent Assembly intended to do, but did not make itself clear in the language that was finally accepted and placed in the Constitution. That is the only purpose. It was intended to keep article 31 (1) and 31 (2) separately. Yet, the Supreme Court, in its decisions, has treated both as one. Secondly, the intention was to give compensation. But, by a series of decisions the Supreme Court has made this question of compensation a very rigid one. It is a sort of an obstruction which stands in the way of social progress. Compensation has come to mean just equivalent of the value of the property that is taken. When just the equivalent is taken into consideratiton, naturally, it is equated with the market value. If we are to pay the market value in every case in which the State acquires property, the State has not got the resources to do it and even if it has, it is wrong to pay it as the Prime Minister has

[Shri S. V. Ramaswamy]

said, and it is not justified. It is, in order to get over these judicial decisions, which have given a different meaning, other than what the Constituent Assembly intended, that this Bill has been brought forward. There is nothing new in this as has been repeatedly said here. Even the proceedings of the Constituent Assembly have been quoted in this House to show that that was the intention of the framers of the Constitution. Yet, time and again, the Members of the opposition repeat the same arguments that something new is being done and that sanctity of property is sought to be taken away. That is not the case.

The improvement that has been made is that a clause has been added to article 31 (2), namely:

> "and no such law shall be called in question in any court on the ground that the compensation provided by that law is not adequate."

The other point that Shri N. C. Chatterjee developed was: you are conferring great powers on the State legislatures; we do not know what they will do; it may be that in a particular State, the ruling party may not be the same as the ruling party here, in which case, there will be administrative difficulties; supposing they discriminate, what is the check? The position is this. We must attribute some commonsense to the legislature. It is the legislature that is enacting a measure, not an arbitrary dictator or despot. In this connection, I would like to quote what has been stated with regard to the Constitution in England.

Shri K. K. Basu: Don't take all the time; we want to speak also.

Shri S. V. Ramaswamy: Shri N. C. Chatterjee, in order to impose a check upon the State legislatures acting as they liked, said that he would suggest that every Act passed by a State legislature under any of these clauses should be submitted to both the Houses of Parliament and a resolution must be passed and submitted to the President before his assent is given. This is something extraordinary. My hon. friend Shri N. C. Chatterjee has read all the Federal Constitutions of the world. I challenge him to show any Constitution where this procedure is adopted. This is something novel. Nowhere in the world do you get an Act of the State legislature being submitted for the approval of both the Houses of the Central or Federal legislature. Shri N. C. Chatterjee thinks that the assent which is sought to be given by the President is illusory. He knows as much as I do the way in which parliamentary government functions. It is not as if there is nobody to advise him. The President always acts under advice: we know it. The advice is that of a responsible government at the Centre. It may be that the Home Minister will be dealing with it. If it is a small matter, he may dispose it off himself. If it is a big matter, it must be taken before the Prime Minister and must be placed before the Cabinet. It must be assumed that when the President acts on advice, he is acting on the advice of the entire Cabinet. You must credit the Cabinet with a due sense of responsibility. It is idle to contend that this provision is illusory. On the other hand, instead of the novel procedure, the extraordinary procedure, which is not obtaining in any part of the world, I would rather suggest one improvement. Article 31 (3) sets a limitation on State legislation only with regard to article 31(2). I would include legislations under article 31(1) also. Because, article 31(2A) as it has emerged from the Select Committee enlarges the scope of article 31(1). When you are enlarging the scope of article 31 (1), you must impose a limitation and bring it also under article 31(1). If you can bring article 31(2) under article 31 (3), why not

bring article 31 (1) also because article 31 (1) deals with deprivation of property? Under article 31 (2A), as amended, you are enlarging the scope so that, when you are enlarging the scope of it, you must certainly put a restraint upon the exercise of that power. If you can, therefore, bring article 31 (1) also under the purview of article 31 (3), it will more than meet the situation. Some friends on the opposite side might say that the States will object to this. But, the point is, the States have never had this power before. We are conferring extraordinary powers on them. The States should not object to legislations under article 31 (1) being brought under article 31 (3). These are the real means by which we can met the situation, for which Shri N. C. Chatterjee advocated an extraordinary procedure. That procedure must be rejected offhand because it does not obtain in any other part of the world.

It has been suggested that article 31 (1) alone would be enough, and so, my hon. friends on the opposite side have suggested that the rest of the article may be removed. My submission is that they are labouring under a misconception. The scope of article 31 (1) is entirely different from article 31 (2) and the other clauses. Article 31 (1) deals with deprivation of property whereas article 31 (2) deals with acquisition and requisition which are entirely different as has been pointed out by the Supreme Court in Chiranjit Lal *versus* the Union. The Advocate-General argued that clause (1) of article 31 relates to a power different from that dealt with under clause (2). What clause (1) contemplates is confiscation or deprivation of property in exercise of what are known as police powers under the American law and no compensation is necessary. Mr. Justice Das accepting that position elaborated further and said:

> "Clause 1 enunciates the general principles that no person shall be deprived of his property except by authority of law, i.e. a person may be deprived of his property provided he is so deprived by authority of law. No question of compensation arises under clause 1. The effect of clause 2 is that only certain kinds of deprivation of property, namely those brought about by acquisition or taking possession of it will not be permissible under any law unless such law provides for the payment of compensation. If the deprivation of property is brought about by means other than acquisition or taking possession, no compensation is required provided that such deprivation is by authority of law.".

Therefore, the two are entirely different. To say that article 31 (1) alone is enough is to take an extreme position which will create a lot of conflict in the actual working of the Constitution.

It has also been urged that the Prime Minister has suddenly changed his view from that which he had taken when introducing this Bill. You know it was pointed out that agricultural land or agricultural property is placed on a basis different from that of non-agricultural property, that there is no question of quantum of compensation so far as agricultural land is concerned, and that it was a non-justiciable right, whereas if it is a case of industrial concerns, such as banking or insurance concerns and so on, compensation will have to be paid, and the right will be justiciable. It was pointed out that this distinction is a discrimination. To that, the Prime Minister replied that this matter was considered, and that they could not equate the two. He also said that this had been deliberately done by the Cabinet after careful thought. Now it is urged that in the Joint Committee the Prime Minister has thrown overboard what he had elaborately described as a decision of the Cabinet not to equate the two, but to keep

[Shri S. V. Ramaswamy]

them apart. This is what he had said:

> "This could have been done, but in that case a Fundamental Right in this regard relating to property would have been completely nullified. The Government could do this, but we did not think it proper to go so far.".

It is contended now that the Prime Minister has thrown overboard even a well-considered decision of the Cabinet. It only speaks well of the Prime Minister, because he has not got a closed mind. When the view of the Joint Committee was that this should be added on and that this should be amplified, he was ready to accept it. That only shows how responsive he is to public opinion.

The main question has all along been the quantum of compensation. On that an *ex*-Chief Justice of the Supreme Court has said:

> "If the quantum of compensation is to be left to the discretion of the State and made non-justiciable there will be little left of the guaranteed protection of private property.".

This is an extreme position to take. What is sought to be done is the quantum shall not be questioned. That does not mean that compensation is not to be paid. The position is accepted that compensation is to be paid, but this House is not prepared to accept the rigid meaning that has been given to the word 'compensation', namely just equated in terms of money. What it will be will be a matter for this Parliament and for the State Legislatures that are there to determine.

The fear has been raised that when they legislate they might even appropriate without paying any compensation or confiscate the property. My humble submission is that such a fear is unreasonable, because we must credit the Legislatures with a due sense of responsibility, and the ultimate sanction for this is the good sense, the commonsense, and the sense of equity and justice that the Legislatures are bound to have. I submit that the real safeguard that can be found is the sense of uprightness and the sense of justice in the several Legislatures in the country.

स्वामी रामानन्द तीर्थ (गुलबर्गा): सभापति जी, मैं बहुत थोड़े समय में जो कुछ मुझे कहना है कहने का प्रयत्न करूंगा। मेरा कुछ अंग्रेजी में बोलने का इरादा हो रहा था लेकिन मैंने आखिर में यह निश्चय किया कि हिन्दी में ही अपना भाषण करूं।

जो आक्षेप इस विधेयक पर लगाए गए हैं और जो क्रिटिसिज्म इस विधेयक के बारे में किया गया है उसके बारे में मैं बड़ी गम्भीरतापूर्वक सोच रहा था। कुछ ऐसी बातें कही गई हैं जिन का समझना बड़ा मुश्किल है। संस्कृति के बारे में भी बातें कही गईं, हिन्दू धर्म और हिन्दू संस्कृति के नाम पर भी कुछ कहा गया। प्राइवेट प्रापर्टी एक बहुत पवित्र चीज है जिसको हमें स्पर्श नहीं करना चाहिए यह भी आवाज यहां उठाई गई। यह भी कहा गया है कि प्राइवेट प्रापर्टी भारतीय संस्कृति की एक बड़ी मौलिक चीज है और इसका ईशावास्य उपनिषद में उल्लेख भी किया गया है। हमारे एक मित्र, जिनके लिए मेरे हृदय में बड़ी इज्जत है, उन्होंने उपनिषद में से एक वाक्य का उच्चारण भी किया है "तेन त्यक्तेन भुंजीथाः"। मैं उन से बड़ी नम्रता पूर्वक पूछना चाहता हूं, मुझे पता नहीं कि संस्कृत का ज्ञान उन्हें कितना है लेकिन इस वाक्य का अर्थ निजी स्वामित्व को पकड़ कर रखना, ऐसा है या उसका पूरा विसर्जन करना, ऐसा हो सकता है। भारतीय संस्कृति की अगर कोई विशेषता है तो वह इसी में है कि मानवता के कल्याण के लिए निजी सम्पत्ति का त्याग किया जाए। इसी चीज को हमारी संस्कृति में महत्व दिया गया है। यह तो एक छोटी सी चीज थी। इसके बारे में मैं अपने कुछ विचार यहां रखना नहीं चाहता था लेकिन क्योंकि एक बात हमारे चटर्जी साहब ने कही और इसलिए मैं ने भी उसका जिक्र किया है।

मुझे तो कुछ ऐसा प्रतीत होता है कि हमारे दिमागों में कुछ संघर्ष सा चल रहा है। जिस तरीके पर कम्युनिस्ट भाई परिवर्तन लाना चाहते हैं वह एक बहुत खतरनाक चीज है और उससे हम प्रगति नहीं कर सकते। कम्युनिस्ट अपने रास्ते पर चलें और हम अपने रास्ते पर चलेंगे। लेकिन यह खयाल नहीं होना चाहिए कि जो सामाजिक और आर्थिक परिवर्तन लाना चाहिए या आना चाहिए वह और कोई नहीं ला सकता। हमने बार बार कहा है कि हम भी वही चीज चाहते हैं, वही आदर्श हमारा है और उसी ध्येय को हम प्राप्त करना चाहते हैं जो कि दूसरों का है, और वह है न्याय और समता के आधार पर नए समाज का निर्माण और उसी ध्येय को प्राप्त करने के लिए हम प्रयत्न भी कर रहे हैं। कम्युनिस्ट और किसी ढंग से इसे प्राप्त करना चाहते हैं। मुझे आचार्य विनोबा भावे जी के वे शब्द आज फिर याद आते हैं जो कि उन्होंने तिलंगाना में अपने दौरे के दौरान कम्युनिस्टों को कहे थे। उन्होंने कहा था कि मैं भी एक ऐसा समाज चाहता हूं जिसमें शासन न हो और शोषण न हो। लेकिन इस ध्येय तक पहुंचने के लिए जो हमारा तरीका होना चाहिए वह लोगों के सामाजिक विचारों में परिवर्तन लाने का होना चाहिए। अगर हम इसको पार्लियामेंटरी शब्दों में कहना चाहें तो हम इस तरह कह सकते हैं कि हम ऐसा परिवर्तन लोकशाही पद्धति से और शान्तिमय मार्ग पर चल कर लाना चाहते हैं।

4 P.M.

हम नहीं चाहते कि प्रापर्टी राइट्स इतनी सैक्टिटी से कायम रखे जाएं। जो विधान प्राइवेट प्रापर्टी को एक बहुत मंगल चीज समझता है वह विधान भी निकम्मा विधान है। संविधान भी कोई ऐसी चीज नहीं है कि जो हमेशा वैसी ही कायम रखी जाए। जैसे जैसे जीवन प्रवाह बदलता रहेगा वैसे ही संविधान में भी परिवर्तन करना जरूरी होता जाएगा। मानवीय जीवन कोई स्टैटिक चीज नहीं है। इसलिए मैं यह अर्ज करना चाहता हूं कि यह जो संशोधन पेश हुआ है यह एक मामूली संशोधन है। यह कोई बड़ी क्रांतिकारी चीज नहीं है। और इस चीज को रोकना एक बड़ी गलत बात होगी। चटर्जी साहब ने कहा है कि अगर इस चीज को हम मंजूर करते हैं तो इससे तानाशाही का मार्ग प्रशस्त हो जाएगा। मैं उन्हीं के शब्दों में इस बात को कहना चाहता हूं जिससे समझने में कुछ गलती न हो। उन्होंने कहा है:

> "This will destroy the sanctity of private property and may pave the way for a totalitarian regime".

मैं उनको और जो लोग उनकी तरह विचार करते हैं उनको तमाम को नम्रता से कहना चाहता हूं कि इस पार्लियामेंट में जो संविधान में आज डिमार्क्रेटिक तरीके से, कांस्टीट्यूशनल तरीके से, पीसफुल तरीके से, संशोधन किया जा रहा है इसको मंजूर करने में अगर आप आगा पीछा करेंगे तो टोटलीटेरियन रेजीम आने वाला है, तो डिमाक्रेसी के लिए खतरा है। और मैं आपसे कहना चाहता हूं कि जहां बैलटबाक्स फेल होता है वहां बुलेट्स आती हैं। यदि आप हिन्दुस्तान में बुलेट्स के द्वारा परिवर्तन चाहते हों तो जरूर इसका विरोध कीजिए। लेकिन यदि आप चाहते हैं कि शान्तिमय मार्ग से, लोकशाही पद्धति से, सामाजिक और आर्थिक परिवर्तन हों तो जो अमेंडमेंट यहां पेश किया गया है उसको मंजूर करें।

मैं अपने अनुभव की एक बात आपको बताना चाहता हूं। आज बहुत सी बातें कही जा रही हैं। आज कहा जा रहा है कि देश में जो विषम आर्थिक व्यवस्था है उसको ठीक करना है। लेकिन जब हम देश की तरफ देखते हैं तो हम पाते हैं कि हमारा मुख्य आर्थिक ढांचा खेती से सम्बन्ध रखता है। सबसे पहले उसका साल्व्शन होना चाहिए।

हैदराबाद स्टेट के लैंड लेजिस्लेशन के सम्बन्ध में मैं कुछ परिचित हूं, उसको बनाने में मेरा भी कुछ हाथ रहा है, जिस ढंग से और जिस हद तक मैं उसको बनाना चाहता था उतना नहीं हो सका, यह दुर्भाग्य की बात है। आज भी जो हैदराबाद का लैंड लेजिस्लेशन है वह इतना अच्छा नहीं है लेकिन वह काफी प्रगतिपूर्ण है।

[स्वामी रामानन्द तीर्थ]

अब यहां पर जो यह व्यवस्था करने की बात सोची जा रही हैं और जो संशोधन यहां पर पेश किया गया हैं कि अगर किसी की प्रापर्टी ली जाती हैं तो उसके वास्ते स्टेट द्वारा जो कम्पेन्सेशन दिया जाएगा, उसकी मात्रा का निर्णय कि वह काफी हैं या नहीं, इसके बारे में निर्णय का अधिकार अदालतों से लिया जा रहा हैं, अदालतों में यह चीज न उठाई जा सके, मेरे विचार में यह बहुत अच्छी बात की जा रही हैं क्योंकि अदालतों के चक्कर में अगर आप इस समानता के खयाल को ला देते हैं तो अदालतों के चक्कर में पड़ कर वह समानता कभी भी प्राप्त होने वाली नहीं हैं, यह स्वयं मेरे अनुभव की बात हैं। इसके अलावा आप उन गरीब किसानों को, टेनेन्ट्स को जिनका कि भूमि पर स्वामित्व होना जरूरी हैं उनको आप इस कम्पेन्सेशन के झगड़े में डाल देते हैं और उन बेचारों को अपना हक मनवाने के लिए तहसीलदार से लेकर सुप्रीम कोर्ट तक जाना पड़ेगा और आज की अवस्था में किसान के पास न तो इतनी आर्थिक शक्ति हैं और न शारीरिक सामर्थ्य हैं कि वह यह बोझ उठा सके, इसलिए आज जो उसको जुडिशियरी के बखेड़े से छुड़ाने की कोशिश की जा रही हैं, उसका मैं स्वागत करता हूं। हमारे इस संशोधन करने का यह अर्थ नहीं हैं कि हमारा जुडिशियरी में विश्वास नहीं हैं, यह कोई जुडिशियरी पर रिफ्लेक्शन नहीं हैं, लेकिन आज जो चीज हम करना चाहते हैं उसको करने के लिए और आगे बढ़ने के लिए यह संशोधन करना जरूरी हैं और उसके लिए कुछ पशोपेश नहीं करनी चाहिए।

मैं एक बात और कह कर अपना भाषण समाप्त करूंगा। सभापति जी, मैं ज्यादा समय नहीं लेना चाहता, कभी कभी बोलता हूं। आज इसलिए बोला कि कुछ सदस्यों ने अनुरोध किया कि मैं भी कुछ बोलूं। जिस ढंग से यहां पर संस्कृति और समानता की बातें पेश की जा रही हैं, उनको देख कर मेरे दिल को कुछ चोट पहुंची और इसीलिए मैं अपनी बात कहने के लिए खड़ा हुआ हूं।

मैं इतना ही कहना चाहता हूं कि हमारे सामने तीन रास्ते हैं, तीन दिशा से परिवर्त्तन लाया जा सकता हैं। पहला रास्ता कानून का रास्ता हैं, जो लेजिस्लेशन से आता हैं, परिवर्त्तन जरूर आता हैं और अगर ठोस डेमोक्रेसी हो, तेजस्वी और प्रगतिपूर्ण डेमोक्रेसी हो तो परिवर्त्तन जल्दी आएगा और अच्छे ढंग से आएगा, इसमें मुझे कोई संदेह नहीं हैं। दूसरा रास्ता उससे भी बेहतर रास्ता हैं और जो कि श्री विनोबा भावे ने हमको बताया हैं जिसमें उन्होंने भूमिस्वामित्व की कल्पना का पूरा विसर्जन करने के लिए आवाहन किया हैं और उसका प्रभाव भी आज भारतीयों के दिलों पर हो रहा हैं। मुझे इसमें कोई संदेह नहीं कि यही रास्ता कायम रहेगा। अब अगर इन दोनों रास्तों को अख्तियार न करके हमारे भाई कुछ तंगनजरी से आगे बढ़ना चाहते हैं तो मैं उनसे कहूंगा कि मुझे माफ करें अगर मैं कहूं कि तीसरा रास्ता श्री गोपालन् का रास्ता हैं जो मानना पड़ेगा। मैं और अधिक न कहते हुए इस अमेंडमेंट बिल का समर्थन करता हूं।

Shri G. D. Somani (Nagaur-Pali): I am not opposed on principle to any changes that might be regarded inevitable either in the Constitution or, for the matter of that, in any law if the existing provisions are found to come in the way of promoting public interest. So far therefore as the promotion of public interest is concerned, if anything is found in the Constitution which comes in the way of the Government taking any measures for public interest, I submit that we are on common ground. The only question, therefore, that arises in this connection is, whether the changes that are sought to be introduced in the Constitution are really unavoidably necessary and whether they would really be serving the public interest. In my opinion, public interest lies in promoting the economic development of the country at as fast a pace as possible. I am not a lawyer and, therefore, am not competent to go into the legal aspects of these changes, but as a practical layman I would like to draw the attention of the Government

to the effect that these changes might have on the economic development of the country. On the one hand, we are being assured that Government have no intention of expropriating or confiscating any property, and that Government have every intention to pay compensation in all such cases. On the other hand, we are told that these changes are being brought about mainly because of the Supreme Court judgment in the Sholapur Mills case.

So far as the aspect of that case is concerned, I am in full agreement with the view that whenever necessary, Government should temporarily take over any industrial undertaking which is mismanaged or where gross abuses occur; we have absolutely no difference of opinion on that, that is, Government taking any powers to achieve that object. But my submission is that the powers that are being sought to be taken go far beyond the necessities of the situation. I would like, in this connection, to draw the attention of Government to the representation that was submitted by the Federation in regard to this Bill. They have stated in their representation:

> "The amendments are being sought to be justified on the ground that judicial decisions have raised serious difficulties in the matter of putting through important social welfare legislation. The Committee submit that this is a misconception. They are advised that the decisions of the Supreme Court do not hold that deprivation of property is to be construed as including any curtailment of a right to property."

They proceed to say that the existing provisions, therefore, sufficiently provide for regulatory legislation.

Sir, what I want to submit is this, that so far as the taking of any powers of the nature arising out the Supreme Court's judgment in the Sholapur Mills case is concerned, we are absolutely on common ground and in full agreement with the Government that those powers need to be taken in public interest. But, side by side, the Government are going far beyond the requirements of the situation and the powers that are now being sought to be taken have created general feelings of insecurity, doubt and fears not only throughout this country but even in foreign countries. It is time that Government should take note of the serious repercussions which these drastic and far-reaching changes may have on the future economy of the country.

We are on the threshold of the Second Five Year Plan, where ambitious industrial planning has been envisaged and where we have been told that the industrialisation of the country will be intensified. That being so, it follows logically that Government should not do anything in their enthusiasm to put restraint on certain industrial undertakings to go in a sweeping manner which will create general feelings of uncertainty, doubts and fears in the minds of the business community in general.

In their policy towards foreign capital, Government have also invited foreigners to do their best to invest in the promotion of certain industries. I would like to draw the attention of Government to the fact that these powers have created genuine apprehensions in the minds of foreign investors. I am giving one solitary instance of what a Wall Street journal has got to say, in this connection:

> "If the right to compensation for property expropriated by Government is removed from India's basic law, the power of the Government to seize property without compensation is established for foreigners as well as for citizens of India. If Mr. Nehru succeeds in preventing his Government unfairly applying this power to foreign investments, well, he will not always control India's government. There is not even much assurance that Mr. Nehru can keep his promise, powerful as he may be. The purpose of the amendment is to further his objective of a classless society in India and spread what the few have

[Shri G. D. Somani]

among the many. In that atmosphere, it is not at all likely that foreign capital will escape and in the end, Mr. Nehru, may find it too difficult to explain to his people why their property may be seized but the property of foreigners must remain untouchable."

This is only one quotation of what a foreign journal has got to say on the implications of the changes that are being sought to be introduced in our Constitution.

The Minister in the Ministry of law (Shri Pataskar): What is the date of it?

An Hon. Member: They might be misapprehensive.

Shri G. D. Somani: They might be. This is what the Wall Street journal says. This has appeared in the issue of *Commerce* dated the 2nd April.

Similarly, fears have been expressed in foreign quarters both here as well as abroad. There have been references in speeches of the Presidents of the Bombay Chamber of Commerce and the Bengal Chamber of Commerce, where these foreign investors have expressed in no unmistakable terms that these changes which are now sought to be introduced in the Constitution will have very far-reaching repercussions on foreign investment in this country. You can take it from those utterances that if these changes will be finalised, then, certainly, so far as foreign capital is concerned, it will have very serious repercussion and they will come in the way of our economic development.

Coming nearer home, I would also like to draw the attention of Government to the proceedings of a public meeting held in such a progressive city as Bombay. That meeting was not confined to any vested interests. That was a meeting publicly advertised and convened for the purpose of considering the changes in the Constitution. This is what the report about that meeting says:

"Prominent citizens and representatives of various organisations joined at a public meeting in Bombay on Thursday to voice their vehement protest against the Government's proposal to amend certain provisions of the Constitution affecting the fundamental rights of the citizens."

The report proceeds:

"A resolution passed at the meeting by an overwhelming majority stated that the proposed amendments amounted to a negation of the basic human freedom guaranteed in the Constitution. It called upon the Government to drop the proposal."

An Hon. Member: How many persons were in that meeting?

Shri G. D. Somani: I do not know; I was not present in the meeting.

Pandit D. N. Tiwary (Saran South): Who were the conveners?

Shri G. D. Somani: This question does not arise. The meeting was publicly advertised to be held in a progressive city like Bombay where everybody was invited to attend the meeting. The meeting was on the 25th of February. I am not concerned with the number of persons. I am saying that at a meeting publicly held in a progressive city like Bombay a vast majority—one or two dissenting—passed a resolution. (*Interruption*)..... I just want to give a factual narration of what took place. It was a meeting called by the Bombay Presidency Women's Council. I forget to mention this.

Shri Pataskar: Who was the President, may I know?

Shri Sayamanandan Sahaya (Muzaffarpur Central): Some lady it must be; it was a ladies meeting.

Shri G. D. Somani: It has appeared in the Bombay papers. As a matter of fact, I have got it from the cutting of the *Times of India*. Every Bombay paper has published the proceedings of this meeting.

My point in drawing the attention of the Government is to show that it is not the so-called vested interests only that have voiced their opposition to this measure. We have heard the opinion of the *ex*-Chief Justice of India, Shri Patanjali Shastri. Then there have been several independent leading lawyers who have said so in so many articles that have appeared in the public Press, about the far-reaching effects these changes may have upon the economy of our country. What I want to say is this that the measure of such a drastic nature should not be hastened through in the manner in which it is being done.

This Bill was introduced in this House some time about the end of the last session in December. You referred it to a Joint Committee only a few days ago and now the Bill, after being further amended in a manner which is much more radical and drastic than what it was originally, is being passed after a debate lasting only for a few hours in this House. I submit that sufficient opportunity has not been given to all sections of the people to have their say in effecting such drastic changes in our Constitution which might have such far-reaching repercussions on the entire economy of our country. Nothing will be lost if the Bill is kept pending, say, for a few months more, for the next session and if a further opportunity is given to all sections of the people throughout the country to have their say so that the House may have full knowledge of the implications of the changes which they are trying to introduce. As I have said earlier, if anything comes in the way of taking any measures in public interest, that must be removed. What I want to point out is that Government in their enthusiasm to deal with a few particular cases of mismanagement should not arm themselves with such drastic powers which have created intense feelings of insecurity and fear among the general sections of the business people not only in this country but also in foreign countries, that it would not be in national interests to lightheartedly ignore all those fears and apprehensions. These fears and apprehensions have not been confined, as I have said, to the business community alone. Certain impartial observes, certain people about whose impartiality or about whose approach in general interest cannot be questioned, have expressed themselves in very strong language about the adverse repercussions which these changes may have on the national economy of our country. That being so, it is only fair and logical that if the House wants to take powers only to deal with certain circumstances which have arisen out of the Supreme Court's judgment in the Sholapur Mills' case....

Shri Pataskar: Then hon. Member is under a misapprehension. It was not only on account of that ruling.

Shri G. D. Somani: That has been given as one of the main reasons for bringing forward these changes Of course, the opportunity has been taken to deal with other matters as well. What I wish to point out is that if Government's intention is to take these powers only for temporary control, then those powers can be taken in a much simpler and more straightforward way than the way in which these powers are sought to be introduced. What I would like to know is whether Government have given sufficient attention in regard to the effect that it will have on the economic development of the country. If the overwhelming majority or the entire section of those who are connected with the economic development do entertain fears and suspicions and also feelings of insecurity, then those fears should not be lightly ignored, but certainly due weight should be given to them and due time should be allowed so that those who have got their fears either due to misgivings or other causes, may have an opportunity to appear before the Government and place their view-points once again on the far-reaching changes which are

[Shri G. D. Somani]

further introduced in the Bill. As I said before, it may be all right for meeting certain social objectives, but we will be defeating the very objective we have in view. It cannot be anything else except the promotion of our economic development at as fast a rate possible.

I do submit in the end that these changes certainly will come in the way of the Government and of the country in promoting the economic development in the way in which we desire. I, therefore, desire that even at this late stage, Government will give proper consideration to the views that have been expressed not only from the business community but from various sections of the country about the far-reaching implications of this Bill.

Pandit Thakur Das Bhargava (Gurgaon): I have read almost all the speeches of the hon. Leader of the House; I read his speech when he moved his motion about article 31 in the Constituent Assembly and his subsequent speech there and I read his speeches again so far as the first Constitution Amendment Bill was concerned, when we enacted sections 31A and 31B. I have also heard his speech today. So far as his speeches are concerned, I have not to differ even in a single syllable from him. If whatever he says is given effect to by those who are in charge of the administration of the country, there is absolutely no fear in the mind of any of us that this Bill will not effectuate the purpose which he has in view. He has got a lofty idealism and all of us, his followers, are naturally influenced and interested in its Constitution. When we have accepted the socialistic pattern of society here in this House as well as outside in the Avadi Session of the Congress, every one of us is bound to accept that whatever he is able to bring about in the direction he should fully contribute towards it. At the same time, I know, as a lawyer, that whatever the Mover of the Bill may say, whatever the speeches in the House may be, whatever may be our intentions, the Courts shall only decide according to the wording of the section that we have. As a matter of fact, when we enacted section 31 in place of the original section 24, speeches were made then, and at that time, the intention, the predominant intention, of those who framed section 31 was that, so far as the abolition of the zamindari was concerned, we must abolish it. The whole Congress was committed to it and the whole country was committed to it. At that time even legislation was pending in the local U.P. Assembly about the abolition of the zamindari. At that time I also took a fairly good part in the framing of the Constitution as well as in this particular section. I submitted then an amendment in the Constituent Assembly that so far as abolition of the zamindari was concerned, there was no question of full compensation. The State was unable to give that compensation, and as a piece of social engineering, as we were committed to the abolition of the zamindari, we should take all the powers of doing whatever was reasonable and proper. As a matter of fact, compensation has been given, and we know that even today crores of rupees have been given as compensation which is being distributed in U. P. and other places. But at the same time I made it clear then that so far our social engineering schemes are concerned, I was for them, but apart from that, so far as the ordinary people were concerned, I submitted then, and I submit now, that if a house or land is taken possession of for the purpose of a hospital, school, or town improvement, etc. etc., then full compensation must be given to the owner whose house has been taken possession of. Unfortunately, I have got too much experience of these matters and, therefore, I know how these things are worked. I know that even today those persons whose lands were taken for Chandigarh have been

roaming about for compensation. So far as Tilpat is concerned—my hon. friends know the name of Tilpat—the people have not got full satisfaction for compensation. Even in regard to Gurgaon wireless station, I know that the people were roaming about and coming to us occasionally to press for compensation being given. Some time back Shri Deshpande complained from his constituency that compensation was not given.

Shri A. M. Thomas (Ernakulam): For the last twenty years.

Pandit Thakur Das Bhargava: I know that in the matter of compensation, in the old British Government period, there was nothing but *andhera* (delay and confusion) and I am very sorry to say that we have not improved matters very far. I know that every hon. Member of this House has got a copy of the appeal to the Premier by the people of Basai Darapur, a village in Delhi. I know of my own place in Hissar District how the authorities decided these matters in spite of the statement made by the hon. Prime Minister in this respect. In the name of refugee rehabilitation, the Delhi Administration took charge of 2,000 Bighas of land belonging to a large number of proprietors, small proprietors, and then said "We will give compensation to you under Act XVI of 1948"—it is one of the Acts put in the Schedule. Then they took out of a man having 20 acres, 18 acres and left two acres with him. A List is given in that copy of the appeal which must be with many of the Members. Their lands were taken away and full compensation was, never paid and they were practically ruined and uprooted and became worse than refugees in whose name they were mulected. After all, I can understand that so far as 'eminent domain', 'police power' and all those rules are concerned, the community has got a prior right to take possession of any property in the interests of the country, but at the same time let us look introspectively and tell me how many of the hon. Members of this House are prepared to give up their properties in favour of the community (*Interruptions*). There are some voices saying 'Yes' but there are many "noes" and many of the hon. Members are silent. When there was another Bill about railway passed few days ago before the House, some Members insisted that there should be a servant pass also provided along with first class pass.

An Hon. Member: No, no.

Pandit Thakur Das Bhargava: On another occasion when the question of compensation about lands taken by the military during the war came before the House and the proposal was to give half of the compensation, I put a question to the House "you are giving half the compensation to them when properties have been acquired, but are you ready to surrender half of your properties in favour of the Government?"

An Hon. Member: Yes.

Pandit Thakur Das Bhargava: When a poor person's house is taken away or 10 bighas of cultivable land are taken away from my area under cultivation, I should be enabled to purchase another 10 bighas of the same value and fertility by full compensation being given so that I am not prepared to a greater extent than any other citizen.

Shri Bogawat (Ahmednagar South): Thousands of acres of land have been given for the Bhoodan movement.

Pandit Thakur Das Bhargava: Those persons are blessed who have participated in the Bhoodan movement and I have no quarrel with them. My humble submission is that so far as the poor people are concerned, if you say this to them....

Shri Bogawat: How will social revolution come then?

Pandit Thakur Das Bhargava: I do now know when the social revolution will come. But so far as the poor people's lands are concerned, article 31 A (a) is, to my mind,—I do not want to use a harsh word—too drastic, too despotic, tyrannical and one which nobody should accept. Sir, this may rather appear to some of my friends as condemnation, but let me read out the clause and then let them know what they have to say. The words are:

> "Notwithstanding anything contained in article 13, no law providing for—
>
> (a) the acquisition by the State of any estate or of any rights therein or the extinguishment of modification of any such rights, shall be deemed to be void on the ground that it is inconsistent with, or takes away or abridges any of the rights conferred by article 14, article 19 or article 31."

Now, we have not got our Prime Minister or the Law Minister or my friend, Shri Venkataraman working in the States.

Shri Syamnandan Sahaya: The Minister in the Ministry of Law is here.

Pandit Thakur Das Bhargava: He is here. Yes, but we will not have the Law Minister or Shri Venkataraman, going to the States to administer this law. We may have even more drastic laws, but the question how will it be administered and in what way and who will administer it? When you give this power, you do not even say that only for the public purpose this law can be used. You do not say any compensation will be paid. On the contrary, you say that even no law providing for these things shall be deemed to be void. You say that article 14, article 19 and article 31 will not be there. Then what other restraint will be there? I want to ask that question. It means we are giving absolutely despotic powers, not as regards industrial concerns, but in respect of what? In respect of estates, which means the source of livelihood of rural people in all the lands. When article 31-A was proposed to be enacted I said the Government was taking very excessive powers. This was not all. I apprehended then that so far as the Punjab is concerned, which is a land of peasant proprietors, a time would come when these powers may be used to our disadvantage. I submitted to the House at that time what may now be seen at page 9720 of the Debates of the House in 1951. You will find my speech there. I do not want to read that out because that will take time. I stated that this clause should not apply so far as the peasant proprietors in the Punjab are concerned. As we raised that point in the Bill also, Dr. Ambedkar and Panditji both assured us that this will not be used against them, though now, I find this law is used against the proprietors of ryotwari tenures also and the peasant proprietors in respect of whom specifically the amendment was moved by Chaudhary Raghubir Singh and that amendment was withdrawn on the assurance of the learned Dr. Ambedkar and Panditji. The speech of Dr. Ambedkar also appears at page 9913 and Panditji's speech appears on page 9920, of the 1951 Debate. I have got no time to read those relevant speeches and I wish I had the time to do so. Now the qustion of ceiling is being mooted and surplus land of peasant proprietors is sought to be taken away. The land of Basai Despur belonged to peasant proprietors and this can happen any where else. I referred to the recent example of my district. Some persons whose lands were to be submerged in Bhakra Dam or somewhere else where to be given compensation. They demanded compensation and the Government at that time made an enquiry and thought that they will have to pay compensation at the rate of Rs. 1,200 per acre. Those persons wanted the Bir land to be given, and the Government had the land in their possession. In my district, about 40,000 acres of land in Bir area belong to the Government and those persons

wanted some land out of that area, but the Government would not give that land. On the contrary, they just issued notices for acquisition of land of certain people who had just cleared them and who had spent large amounts of money and most of them were only small proprietors, though some of them were big landlords, but not very big. The much bigger proprietors were not even touched. They will never be touched. Always the axe will fall on the poorer men. Those poor men were given notices and their lands are in process of being acquired at a very nominal rate. I do submit that the manner in which this law is being worked is tyrannical. We wanted to pass a law which gave drastic powers so far as abolition of Zamindari is concerned. We really wanted, article 31A at the time when we enacted the first amendment Bill. An appeal from Patna High Court was pending in the Supreme Court and delay was being caused. We wanted then so far as the legislatures are concerned, the legislatures ought to be the final judge of the amount of compensation in regard to abolition of zamindari. But as we used the word 'compensation' there, the Supreme Court held that the word connected full compensation. It means all the good intentions of the Leader of the House, the good intentions of the Ministry, the good intentions of the friends, will never be looked into by the Government. Only the word as it appears in the enacting will be looked into by the courts. I submit that so far as the wording of article 31 A is concerned, it is a matter which puts me to shame. I am sorry that the Government, while saying they will give full compensation yet take powers to enact a law which gives no compensation describe no further property and yet will not be void. This is out heroding Herod. I have given an amendment saying that the public purpose must be specifically mentioned. If you do not put it, then for any other purpose except a public purpose lands could be acquired. Panditji has made it absolutely clear that in regard to the factories and other big things he wants to give compensation. It has been his view from the beginning and I am very glad that he had today also put such an emphasis upon it. Even so, I feel concerned that in very large schemes of agrarian reforms it may be beyond the resources of the State to pay full compensations as in zamindari abolition. I am of the view that full compensation may or may not be given in such cases, but in regard to the small people, if you do not give compensation, what would happen? This article 31 A is divisible into two parts. One relates to the acquisition of estates or any rights thereon. What is happening to this? First of all, in the original Bill, it spoke about ceilings and sums and all those things. The second relates to the management of the property and taking possession of some Corporation, etc. Supposing some losses are incurred, and Government does not manage, well, who will be responsible? I beg to ask. Then again why don't you give the length of limited period? Of course our lives are limited, but then, it may be three or five years instead of 99 years or so. Supposing after some time limit, this company makes a profit and gives a dividend, who will be getting the benefit? Is it the company or the Government? After what time it will be restored? Supposing there are two companies. One company has got a reserve of Rs. 30 crores. The other company has recently come into existence and will the question of amalgamation be decided at the sweet pleasure of the Government without consulting or getting the consent of those concerned. I cannot understand how this can be done and there is no provision to show what will happen to it further. Is the Government going to be benefited or the private person? It is absolutely silent. I am very glad that Parliament passed a law—The Development of Industries (Regulations) Act. That act has worked well. So far as this aspect is concerned I want that Act to be ratified. Be-

[Pandit Thakur Das Bhargava]

cause, so far as the regulatory provisions are concerned, no one of us is against it. Even Shri Somani was pleased to say that he is not against it so far as the regulatory provisions are concerned. But actually, as a matter of fact, foreign interests, foreign companies, may or may not be affected by these provisions. Whatever may be felt by those people, I can submit for consideration of the Government that so far as the powers under this article 31 A are concerned, our anxieties are there. I understand that the Communist Party has given its support, and Shri Asoka Mehta also when he spoke gave his support. But their support was, as I said previously conditional. They also expressed that so far as the smaller people were concerned, they wanted certain properties to be exempted from the mischief of the provisions. I am of the same view. At page 1192 of the Debates of the House, Panditji said in so many words in the Constituent Assembly that so far as the individuals are concerned, they will give full compensation. This is what Panditji has again repeated today. I do not know whether our Ministry wishes that no compensation or less than fair compensation may be given. Most of our Ministers are, I know, in favour of fair compensation. But what about the local legislators? How many of them are there and how do their minds work? We do not know whether all of them will have the same mind. They will never behave in the manner in which some of us think they will behave. In regard to article 31 A my humble submission is that so far as those aspects go, to my mind the part of such absolute powers is absolutely unjustifiable. In regard to 31 (2) (a) if there is deprivation due to the act of Government or even of any private party, the present law is, you may or may not give compensation, but they are entitled to same remedies in court. If you do something which injures my property or which has the effect of depriving me of my property, I do not know how to name it—it may not be acquisition, it may be something else—it gives me a cause of action and I can go to the court of law and certainly get a remedy. Therefore, my submission is, we are justified in enacting that according to the general law of the land, the remedy is open to the person, and he can have his cause of action fully met.

So far as the general powers of compensation are concerned, I will go further and submit that you may have any law you like and your unchecked powers to the legislators so far as big people are concerned, because they can fully take care of themselves. At the same time, they can never be victimised by you. I am perfectly sure that they are too elusive for you.

Shri Syamnandan Sahaya: The principle of legislation must be different for the big man and the small man.

Pandit Thakur Das Bhargava: My friend wants to know from me if the principles of legislation should be different for the rich man as against the poor man. Sometimes back, Acharya Kripalaniji gave an example of the lion and the lamb in this House. I will refer my friend to that example. If he will read through that speech, he will get a reply to his question. At the same time, may I tell him that so far as the Civil Procedure Code is concerned,—he fully knows it—the properties of certain classes of people, artisans, peasants, are all exempt from attachment. Their implements, their house and cattle are all unattachable and unsaleable. If he knows about the difficulties of the refugees, he knows how discriminately legislations has been passed in their favour. The object happens to be a big man. If he were a poor man like me, then he will know how a poor man feels in

such matter. So far as the poor man is concerned, let him be quite safe in the land that he cultivates; let him be quite safe in the home that he dwells in. His residential house is a citadel to him. My friends are the Communists always taking about Russia. What happened in Russia? Everyone is allowed to have as big a house as he chooses to have. That is so far as the house is concerned. The dwelling house of every person, the lands of cultivation which are cultivated by them and which constitute the source of his livelihood and all sacrosanct to me. I must submit that so far as they are concerned, if they are taken possession of for the purpose of State, the person who is the owner must be fully compensated. Panditji has a very soft corner for these persons; he spoke about them today and before also. So far as such persons are concerned, we do not want to injure them. I only want that so far as he is concerned, he may be fully secured. For the rest, I know that you have no mind to expropriate any body's property and you cannot also expropriate them. Even if you do it will probably be in public interest. Nobody in the House—I do not know whether there is any difference so far as the progress of the country is concerned—will oppose a Bill which seeks to serve this end. We want that legislature may be given the power so that the country may progress. We are not for putting any obstacles so far as the country's progress is concerned. I will only quote the words of the Leader of the House when he said: "We do not want to crush the individual; we do not want the society to become static: we want progress. The balance between the two should be a guiding principle and we should not unnecessarily stretch one over the other"

श्री आर० डी० मिश्र (जिला बुलन्दशहर): सभापति महोदय, मैं इस तरमीम का, इस संशोधन का पूरी तरह से समर्थन करता हूं और इसका स्वागत करता हूं। आज कल के जमाने के मुताबिक इसकी सख्त जरूरत थी। आजकल तमाम दुनिया में जितनें भी लड़ाई, झगड़े या फिसादात हो रहे हैं उन सब का एक ही कारण हैं और वह हैं यह सम्पत्ति और इसकी मिलकियात। इस सम्पत्ति की ही वजह से हमारे देश में आज गरीबी फैली हुई हैं। जब से पूंजीवाद का युग चला हैं दुनिया गरीब होती चली जा रही हैं और मुट्ठी भर आदमी मालदार होते चले जा रहे हैं। आज लोगों की यह मांग हैं कि उन लोगों का जिनका कि बहुत ऊंचा स्तर हैं उसको नीचे लाया जाए और इसके लिए यह जरूरी था कि एक ऐसा कानून बनाया जाए। हमने अपने विधान में यह बात रखी थी कि जब कभी देश को जरूरत होगी वह सम्पत्ति को उस कानून के द्वारा जो कि पार्लियामेंट बनाएगी अपने अधिकार में ले लेगा। चुनांचे जब हम ने जमींदारी प्रथा खत्म की और उन जमींदारों की जमीनें उन गरीबों को जिनका कि ये लोग खून चूसते थे देने का फैसला किया तो इसी कानून का सहारा लेकर उन जमींदारों ने अड़ंगे अटकाए और दो ढाई बरस अदालतों के दरवाजे खटखटाने में लगा दिए। अदालतों में न्याय मिलना मुश्किल हैं। वहां पर तो बहुत बड़े बड़े वकीलों का काम हैं और बड़ी बड़ी कीमत की टिकटें लगाई जाती हैं। यह काम बड़े बड़े लोग ही कर सकते हैं और हमारे ठाकुर दास भार्गव जी जैसे गरीब आदमी यह नहीं कर सकते। मुझे तो ताज्जुब होता हैं उस खर्चे को देख कर जो कि इलेक्शन पैटिशन की पैरवी करने पर खर्च होता हैं। मेरी तो समझ में नहीं आता कि किस तरह आइंदा लोक-सभा के लिए चुनाव लोग लड़ सकेंगे। इलेक्शन तो लड़ ही लेंगे लेकिन इलेक्शन के बाद ट्रीब्यूनल में जाना और फिर सुप्रीम कोर्ट में जाना एक बवाले जान हैं। यह कानून जो कि हम बना रहे हैं इसमें जो सब से अच्छी बात हैं वह यह हैं कि लोग अदालतों के दरवाजे नहीं खटखटा सकेंगे और वे दरवाजे उनके लिए बन्द हो जाएंगे। अदालतों में न्याय मिलना मुश्किल होता हैं। इस तरह से अदालतों में न जा कर, वकीलों को पैसे न देकर, टिकटों के लिए पैसे न खोकर जो पैसे गरीब लोगों के पास बचेंगे वे उनको अपनी भलाई के लिए और अपने बाल बच्चों की भलाई

[श्री आर० डी० मिश्र]

के लिए खर्च कर सकेंगे। इसलिए जो दिक्कतें हमारे सामने पिछले चन्द वर्षों में आईं और इन अदालती अड़ंगों के कारण जो तरक्की हम देश की करना चाहते थे वह नहीं कर सके उन दिक्कतों को दूर करने के लिए ही यह कानून यहां पर लाया गया है। अब सवाल यह रह जाता है कि इस कानून में कौन सी ऐसी बात है जिस पर ऐतराज हमारे ठाकुर दास जी और दूसरे भाइयों को है। अगर इस कानून को हम ध्यान पूर्वक देखें तो पता लगेगा कि हम सिर्फ इतनी बात करने जा रहे हैं कि जो विधान बनाया गया था और उसमें जो लफ्ज कम्पेंसेशन के लिखे थे और जो मंशा इन लफ्जों के लिखने से था उसको उस तरह से इंटरप्रेट नहीं किया गया जो मंशा विधान बनाने वालों का था और उसके खिलाफ चलाया गया और अब वह हमारी सामाजिक उन्नति में बाधक हो रहा है। अब उस मंशा को साफ करने के लिए इस बिल के जरिये विधान में संशोधन किया जा रहा है। यहां पर कोई इख्तियारात गवर्नमेंट को नहीं दिए जा रहे हैं कि फलां जायदाद या फलां कारखाने को सरकार अपने अधिकार में ले ले। यहां तो सिर्फ इतना किया जा रहा है कि आंयदा पार्लियामेंट को और लेजिस्लेचर्स को ही इख्तियार होगा कि वह यह तै करें कि किसी सम्पत्ति को लेने पर कितना मुआवजा दिया जाए और कितना न दिया जाए। यह बात तै करने के लिए हम जो ७५० मेम्बर दोनों हाउसों के हैं और जो कि देश की अवस्था को जानते हैं यह तै करेंगे कि कितना मुआवजा दिया जाना चाहिए। मैं पूछना चाहता हूं कि वह फैसला जो कि यह पार्लियामेंट करेगी जिस में कि ७५० मेम्बर हैं और जिस में चटर्जी साहब और भार्गव जी जैसे काबिल आदमी हैं, ठीक होगा या कि जो फैसला सुप्रीम कोर्ट जिस में कि तीन जज या पांच जज होंगे करेंगे वह ठीक होगा। यह नहीं हो सकता कि जो फैसला हम करेंगे वह गलत होगा और जो फैसला सुप्रीम कोर्ट करेगी वह ठीक होगा। यह हमें खुद सोचना चाहिए कि जमींदारी खत्म करने के लिए कितना मुआवजा दिया जाना चाहिए। किसी मिल को अधिकार में लेने पर कितना मुआवजा दिया जाना चाहिए और कितना नहीं दिया जाना चाहिए। तो यह बहुत जरूरी था कि यह इख्तियार पार्लियामेंट के पास रहें। पार्लियामेंट एक सुप्रीम बाडी है और देश की नुमाइंदगी करती है। यह देश की हालत को जानती है और उस हालत को ध्यान में रखकर ही यह फैसला करेगी कि कितना मुआवजा दिया जाए और किस हिसाब से दिया जाए। इस लिए मैं इस तरमीमी बिल का पूरी तरह से समर्थन करता हूं।

चूंकि हम अपने विधान में तरमीम करने जा रहे हैं इस लिए एक बात मैं अर्ज करना चाहता हूं और वह यह है कि कुछ न कुछ हमें ऐसी व्यवस्था संविधान में जरूर करनी चाहिए कि जिस से देश के गरीब आदमियों को यह यकीन हो जाए कि उन को पूरा मुआवजा दिया जाएगा। वैसे तो हमारी नियत बिल्कुल साफ है और पंडित जी ने अपनी तकरीर के दौरान में साफ तौर पर कह भी दिया है कि मुआवजा दिया जाएगा और ठीक तौर पर दिया जाएगा। लेकिन जो तकरीरें दूसरी पार्टी की तरफ से हुई हैं और उन्होंने कहा कि साहब आप तो ठीक कहते हैं लेकिन यह अफसरान गलती करेंगे, कोई दूसरी स्टेट की लेजिस्लेचर गलती करेगी और मुमकिन है वह मुआवजा न दें, कम दें, या नाम को दें। ये वे लोग हैं जो कि नाम तो किसानों का लेते हैं लेकिन फिक्र उनको फैक्ट्रियों की है लेकिन फिर भी मैं चाहता हूं कि यह जो डर छोटे लोगों में है उसको दूर कर दिया जाए। मैं ने इस संबंध में एक तरमीम भी दी है जिस में मैं ने कहा है कि लोगों को यह यकीन दिया जाए कि जिन के पास एक ही मकान है जिस में वह खुद रहता है या उसके घर वाले रहते हैं उसके उस मकान के लेने पर पूरा

मुआवजा दिया जाएगा और बाजार भाव पर दिया जाएगा। इस के साथ ही साथ जिसके पास २० एकड़ जमीन हो और वह खेती करता हो तो उसकी जमीन जब ली जाएगी तो उसको भी मुआवजा बाजार भाव पर पूरा दिया जाएगा। हां अगर २० एकड़ से ज्यादा खेती की जमीन अगर किसीके पास हो, १००० एकड़ हो, २००० एकड़ हो, तो उस सूरत में उसको मुआवजा देने का असूल दूसरा होगा। इसी तरह से जिनके पास बाजारों के बाजार हैं या सैकड़ों मकान हैं, वे तो देश को एक्सप्लायट कर रहे हैं उनको पूरा मुआवजा नहीं दिया जा सकता है। तो यह जरूरी बात है कि अब जब हम विधान में तरमीम करने जा रहे हैं तो देश वालों को यकीन दिलाएं कि रहने का मकान और कम से कम २० एकड़ जमीन जिसके पास होगी वह बिल्कुल महफूज रहेगी और अगर कोई सरकार उसे लेगी तो वह उसका पूरा मुआवजा बाजार भाव पर देगी। यह बात विधान में लिख देने से न तो कोई लैजिस्लेचर कोई कानून बना सकेगी और न ही जो कोई आइन्दा पार्लियामेंट आएगी वह ही बना सकेगी। विधान में तरमीम करने के दो तिहाई वोटों की जरूरत होती है और वह संख्या समस्त पार्लियामेंट के सदस्यों की संख्या का भी बहुमत होनी चाहिए। जो कि हमेशा प्राप्त नहीं हो सकते। इस तरह से तो हो नहीं सकता कि अगर ५० कौम्स हैं और ५० मेम्बर ही हाउस में बैठे हैं और उनमें से दो तिहाई ने अगर एक तरफ वोट दे दिया तो कानून बन गया और किसी की जमीन छीन ली गई और किसी का मकान छीन लिया गया। तो मेरे कहने का मतलब यह है कि ऐसे आदमियों को पूरा मुआवजा दिया जाए जिनके पास २० एकड़ जमीन है या जिनके पास रहने के लिए एक ही मकान है और यह बात इस विधान में लिख दी जानी चाहिए।

दूसरी बात इस तरमीमी बिल के बारे में यह कही गई कि इस के जरिये सरकार को यह इख्तियार दिया जा रहा है कि वह फैक्टरियां वगैरह अपने अधिकार में ले ले और इस पर बड़ा शोर मचाया गया है।

एक तरफ तो दुहाई मचायी जाती है कि भारतीय संस्कृति का सवाल है। भारतीय संस्कृति के पक्ष में एक वेद मंत्र कोट कर दिया गया है। वह भी गलत कोट किया गया। वह वेद मंत्र यह है :

ईशावास्यं इदं सर्वम् यत्किंचिज्जगत्यां जगत्।
तेन त्यक्तेन भुंजीथा मागृधः कस्यस्वित धनम्॥

इसका अर्थ यह है कि सम्पत्ति का स्वामित्व सब में व्याप्त रहता है। जो कुछ भी चीज दुनिया में पैदा हुई है उसका स्वामित्व जो है वह सब के अन्दर है। अर्थात समाज में है। चूंकि सम्पत्ति झगड़े की जड़ है, इसलिए वेद कहता है कि उस सम्पत्ति की भावना को छोड़ दो और उसके बाद उसका भोग करो। सम्पत्ति की भावना को छोड़ कर मनुष्य को सम्पत्ति का उपभोग करना चाहिए, लोभ नहीं करना चाहिए। जितना भोगना है उतना भोगे, यह नहीं कि जोड़ कर सम्पत्ति को रखता जाय। जो भोग से बचता है वही धन बनता है। तो वेद कहता है कि यह धन किसका है? कस्यस्वित धनम्, इसका दूसरा अर्थ होता है। कि यह धन प्रजापति का है और प्रजापति के मानी हैं जनता के। अर्थात यह जो सम्पत्ति है वह जनता की है। 'क' शब्द का अर्थ संस्कृत साहित्य में प्रजापति के होते हैं। सम्पत्ति का अधिकार जनता को रहना चाहिए, व्यक्ति को नहीं। तो एक वेद मंत्र को इस तरह से कोट करना और यह कहना कि यह भारतीय संस्कृति है यह गलत बात है। वेद को इस गलत तरीके से कोट नहीं करना चाहिए।

जब भारत वर्ष के बुरे दिन आये और यहां राजाशाही और सामन्तशाही चली उस समय जबरदस्ती गांव पर गांव ले लिये गये। उसी जमाने में ऐसे कानून बने जिनमें व्यक्तिगत सम्पत्ति भी चली। लेकिन अब तो यह चीज खत्म कर दी गयी है।

आजकल हमारे यहां दो विचारधाराएं चल रही हैं। एक है व्यक्तिवादी विचारधारा और दूसरी है समाजवादी विचारधारा। व्यक्तिवादियों का कहना है कि सम्पत्ति व्यक्ति की वस्तु है। इस पर किसी का कब्जा नहीं होना चाहिए। सरकार को चाहिए कि इसकी रक्षा

[श्री आर० डी० मिश्र]

करें और हम इसको खाते रहें। सरकार पुलिस का काम करे, हम चाहे किसी का माल लूट लायें लेकिन सरकार उसकी रक्षा करे और हम चाहे जिस तरीके से उसे खर्च करें। समाजवादी कहते हैं कि किसी के पास कुछ मत छोड़ो। सब सम्पत्ति सरकार की होनी चाहिए। लेकिन मेरे विचार से ये दोनों सिद्धान्त गलत हैं। भारतीय संस्कृति और तहजीब यह है कि जो कुछ बात अच्छी है व्यक्तिवाद के सिद्धान्त में और जो बात अच्छी है समाजवाद के सिद्धान्त में उनको लेना चाहिये। इन दोनों सिद्धान्तों को मिलाकर हमको अपने देश की उन्नति करनी चाहिए और यही नीति हमारे प्रधानमंत्री की है। यह न समाजवाद है और न व्यक्तिवाद है। यह दोनों की मिली हुई नीति है। इसमें प्राइवेट सेक्टर और पब्लिक सेक्टर दोनों ही मिलकर काम करते हैं और इसी प्रकार देश की उन्नति हो सकती है।

हमारे पंडित ठाकुर दास भार्गव ने कहा कि २१ ए में पब्लिक परपज का जिक्र नहीं है। मैं ने भी २१ ए को देखा। इसमें "पब्लिक परपज" लिखने की कौन सी जरूरत है। पहले दफा २१ में तो पब्लिक परपज के जिक्र की जरूरत थी और वह वहां पर लिखा गया है, लेकिन दूसरे में इसको लिखने की क्या जरूरत है। मान लीजिये कि कोई मैनेजिंग डाइरेक्ट शोलापुर मिल में खराब इन्तिजाम कर रहे हैं और दुनिया भर का कमीशन ले रहे हैं, जहां से माल खरीदते हैं वहां से भी कमीशन लेते हैं और जहां बेचते हैं वहां से भी लेते हैं। गर्जेकि रुपया तो है हिस्सेदारों का और उस पर मैनेजिंग डाइरेक्टर साहब मजा मार रहे हैं। तो ऐसे मैनेजिंग डाइरेक्टरों की मैनेजिंग डाइरेक्टरी खत्म करने में मुआवजा देने की कौनसी जरूरत है। इसमें "पब्लिक परपज" का क्या सवाल है। जब सरकार किसी काम को लेती है तो वह "पब्लिक परपज" ही हो जाता है। सरकार जब सड़क बनवाती है, अस्पताल बनवाती है, या नहर खुदवाती है, तो वह पब्लिक परपज ही है। अगर किसी ने किसी काम को खराब किया तो उसको निकाल कर ठीक इन्तिजाम कर दिया। यही सरकार का काम है। इसमें पब्लिक परपज लिखने की क्या जरूरत है। सरकार जो कुछ करती है वह पब्लिक परपज है।

अब तक पूंजीपति लोग हमारी गवर्नमेंट के सामने कभी धारा १२, कभी १४ और कभी १९ लाते रहे हैं। अभी सोमानी साहब की तकरीर हुई। वह एक बम्बई की खबर ले आये। देश भर में जो मीटिंग्स हुई हैं उनका उन्होंने जिक्र नहीं किया। जितनी कम्युनिस्टों की और कांग्रेसवालों की सभाएं हुई उनका उन्होंने जिक्र नहीं किया। वह एक बम्बई का अखबार ले आये जिसमें लिखा है कि उस मीटिंग में यह तै किया गया है कि मुआवजा दिया जाय। इस तरह की आथारिटी कोट करने से यहां क्या सैटिसफाई हो सकता है।

दूसरी आथारिटी उन्होंने कोट की पातंजलि शास्त्री की। जब वह चीफ जस्टिस थे तब तो जो फैसला उन्होंने किया वह हमारे सिर माथे पर है। लेकिन अब जब वह जस्टिसी छोड़ गये तो उनकी राय की वह कीमत कैसे हो सकती है। अब तो जैसा कि पंडित जी ने भी कहा उनकी राय की वही कीमत है जो किसी और आदमी की राय की हो सकती है। अब वह जजी वाली बात नहीं है। लेकिन अब भी उनकी राय यहां कोट की जा रही है।

और भी पिछले जमाने की बातें लाकर कोट की जा रही हैं। कभी विदेशी अखबारों की चर्चा की जाती है कि अन्य देश के पूंजीपति इस के खिलाफ हैं मैं तो कहता हूं कि हमें इस तरमीम का स्वागत करना चाहिए और इसे मंजूर कल्ला चाहिए। जब तक यह पूंजीवाद और सामन्तशाही खत्म नहीं होगी तबतक यह विषमता खत्म नहीं हो सकती। और देश से गरीबी दूर नहीं की जा सकती।

Shri V. G. Deshpande: I suggest, Mr. Chairman, that the time may be extended as many persons want to speak.

Sardar A. S. Saigal (Bilaspur): You can extend it tomorrow, not today.

Shri V. G. Deshpande: I submit that the legislation is being hurried and discussion is not allowed.

Shri Venkataraman (Tanjore): I enter my strongest caveat against the observations made by Shri Jaipal Singh with regard to the manner in which the proceedings of the joint Committee were carried on. He attended only one meeting, as the Report will show, and at that meeting the questions which were considered were, firstly, the circulation of certain representations received, secondly, the circulation of certain decisions of the Supreme Court and other Courts to the Members of the Joint Committee, and also certain Acts referred to in the Schedule. Then you will find, in paragraph 5 of the first day's proceedings, the Committee had general discussion on the powers of the State regarding compulsory acquisition or requisitioning.

Mr. Chairman: The hon. Member may continue tomorrow.

I have to inform the House that tomorrow speeches by Members will end at 12-15, Government will reply from 12-15 to 12-45, and division on the consideration motion will take place thereafter.

Shri V. G. Deshpande: I had proposed extension of the time.

An Hon. Member: Your leader is not here.

Shri V. G. Deshpande: There is no question of leader. It is necessary to extend the time.

Mr. Chairman: That point can be raised tomorrow. The House now stands adjourned till 11 A.M. tomorrow.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, the 12th April, 1955.

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